THE

Justice of Peace His CLERKS CABINET.

OR,

A Book of Presidents,

or Warrants, fitted and made ready to his hand for every Case that may happen within the compass of his Masters Office.

FOR

The ease of the Justice of Peace, and more speedy dispatch of Justice.

By WILLIAM SHEPARD *Esq*;

With several Alterations and Emendations according to Law.

LONDON, Printed by John Streater, Henry Twyford, and Eliz. Flesher, the Assigns of R. Atkins and E. Atkins Esquires. 1672.

Cum Gratia & Privilegio Regiæ Majestatis.

1606/576.

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BRITISH MUSEUM 30 MAY 69

THE REASON OF THE Printing OF THIS BOOK.

WHen we laid down and gave you the learning of the Office of the Justice of the Peace without Warrants, we shewed you what they might do, but did not shew you how they might do

it. By the want whereof it hath been found in our own and other mens experience, that Juſtice hath been ſometimes hindred; for the Juſtice of Peace, well knowing the danger of ſending abroad a Warrant not juſtified by the Law, both to himſelf and the inferior Officer that ſhall execute it, and not having a ſafe Warrant in readineſs, he hath not (eſpecially in a caſe not common) thought it ſafe to truſt his Clerk herein, and oft-times by this means the offendor hath eſcaped. We have been therefore much preſſed to make a ſupply herein, and did purpoſe to have done it by way of Addition to the Book, Intituled, *The Office of the Juſtice of Peace*, but that it would have ſwelled the Book too much. Wherefore we have thought it beſt to let the Reader have them aſunder, that they may be fit Pocket-Books for the Maſter and his man as they pleaſe.

We know that ſomething hath been done of this ſubject before by others. But by that time it hath been ſeen what we have done, We are well aſſured, it will be ſaid, that which we have done herein was not without need, and will be very pleaſing and profitable to the Juſtice of Peace his Clerk, and his Maſter alſo, and will be well accepted of all men: Eſpecially now coming abroad ſo much corrected as it is in this Edition, and ſo many things contrary to Law expunged.

We know that something hath been done of this subject before by others. But by that time it hath been seen what we have done, We are well assured, it will be said, that which we have done herein was not without need, and will be very pleasing and profitable to the Justice of Peace his Clerk, and his Master alſo, and will be well accepted of all men: Eſpecially now coming reformed to much corrected as it is in this Edition, and ſo many things contrary to Law expunged.

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CHAP. I.

f a Warrant and Or-der of the Fuſtices of the Peace in general.

A Warrant of the Juſtice of Peace is his Command to an inferior Officer to do ſomething belonging to his Office. And this in ſome ſpecial Caſes may be good by word of mouth without writing. But of this we ſpeak not here. Or it may and muſt be in moſt caſes in writing. And here- theſe Rules and Advices are to be obſerved and ded. What it is Rules concerning it

. The Juſtice is to take care to pen his War- t plain and clear, and not ambiguous and btful, ſo that the Officer muſt be forced to uiſe what may be his meaning by his words.

. Let the Warrant be compleat when the ſtice of Peace doth put his hand to it, for it is

dangerous to let it go with Blanks, and give other men leave to fill it up.

3. The Style of his Warrant, it may be in the Name of His Majesty, thus, *Charles by the Grace of God*, &c. with the teste under the name of the Justice that makes it (which is not usual) or it may be Styled and made in the name of the Justice of Peace, thus: *W.S.* Esquire, one of the Justices, *&c.* and this is the usual form. Or it may be made without any Style, only under the Teste of the Justice of Peace, thus, Complaint being made to me, *&c.* These are, *&c.* Witness the said *W.* &c. Or it may be without any teste of the Justice of Peace, being subscribed by him, and sealed where sealing is necessary.

4. We do not conceive it necessary to use these words in the Warrant, These are (*In the Name of His Majesty*) to require: but it is sufficient to say *These are to require you*: however the Warrant does carry the more Majesty in it, when those words are used in it.

5. The Title of Direction may be either above the Warrant, thus, *To the Constable of Dale*: or in the Body of the Warrant thus, *W. S Esquire*, &c. *to the Constable of Dale*. Whereas, *&c.*

6. The Warrant may be directed to any Officer as the Sheriff, his Bayliffs, Constables, Tithingmen, or to others that are no Officers, thus, *To the Sheriff of the County of G.* or, *To the Bayliff Itinerant of the County of G.* or, *To the Bayliff of the Hundred of R.* or, *To the Constable of the Hundred of R. in the County of G.* or, *To the Constable of the Town or Village of* Dale, or, *To the Tythingman of* Dale. As the Officer there is called if it can be known. Otherwise the best way is to direct it

all the Constables and Tithing-men of *Dale* within the County of *G.* and every of them. Or it may be directed to all these Officers together, to the Sheriff, and to all Bayliffs, High-constables of Hundreds, and Constables and Tithingmen of Towns and Parishes within the County of *G.* and every of them joyntly and severally. Or it may be directed to these Officers and to others that are no Officers together. Or to them that are no Officers alone, thus. To *J. S.* and *W. S.* both of *Dale* in the County of *Glouc.* and to either of them. But this must be understood of Warrants of the Peace, good behaviour, and such like Warrants, wherein the Justice of Peace is left at liberty to direct his Warrant to whom he will: for if the Law do direct him to whom he must send his Warrant, as divers Acts of Parliament do, some of them appointing him to direct his Warrant to the Constables, some to the Constables and Church-wardens, some to the Churchwardens, some to the Constables & Churchwardens, some to the Churchwardens & Overseers of the poor; he in these cases that makes the Warrant must take great care that he do pursue the direction of the Statute punctually; for it is dangerous to vary from it ever so little, and therefore the Title set down in the Presidents for the Warrants must be followed and not altered. And when the Title of Direction is to more than one, there it is good to add these words, [*And to every of them*] and to say in the body of the Warrant, *These are to authorize and require you, and every of you.* But the best way is to direct it to the common and known Officer, which is the high Constable of the Hundred, or Constable of the Town, in all cases where it is left to the Justice of Peace to direct it to whom he please.

7 The word (*Greeting*) *To* I.S. *&c. Greeting*, uſe in Warrants, may be left out: ſo may theſe words o Addition, *To His Majeſties Juſtices aſſigned to ke the Peace, and to hear and determine felonies*, &c and it is enough to ſay, *Juſtices of the Peace of* (*within*) *the County of* Glouceſter.

8. It is not amiſs to ſay the place wherein th Officer dwells to whom the Warrant is directed within the County. To the Conſtable of *Da* within the County of *Glouceſter*. And ſo of othe places named within the Warrant, to ſay they a within the ſame County.

9. It is not amiſs if the Warrant recite Conviction of an offence, to let it expreſs whe the offence was done, thus; I. S. *being convict be fore me that he was drunk* (at *Dale* in this Coun ty,) becauſe in many Caſes the forfeiture is g ven to the poor of the place where the offence done.

10. It is good alſo now to expreſs the tim when the offence was committed, thus, I. S. *b ing duely convict before me that he was drunk* Dale *in this County* (the firſt day of May laſt or within three moneths laſt paſt, or ſince the fir of *May* laſt paſt, that it may appear the offence wa done ſince the general Pardon: and in ſome Caſe this is if not neceſſary, yet very convenient, whe the offence is by the Law to be puniſhed with in a certain time or not at all, there it is goo to ſay that the offence was done within th time.

11. It is good alſo to expreſs the place of th making of the Warrant, and it muſt be ſome plac within the County, thus: *Dated at Dale, Given un der my Hand and Seal at Dale* in the ſame County

But if it say it was dated at one place and be dated at another place, yet the Warrant is good, and it shall be taken to be dated where the Warrant doth say it was dated.

12. The day and year also, being the time of the making of the same Warrant, must be expressed in the Warrant.

13. The Warrant (being a Warrant to arrest) may be to require the Officer to bring the offender before the Justice that makes the Warrant, or before him, or some other Justice of the County, and either of these Forms is good. but the best Form is, to require the Officer to bring him before the Justice of Peace himself that made the Warrant.

14. In every Warrant for the Peace, or good Behaviour, where sureties are to be found or required, the Warrant ought to contain the special cause or matter, to the intent that the party arrested may be provided with Sureties. But if it be for some great Crime, the cause may be concealed.

15. In every Warrant to command an Officer to carry a man to Gaole; it is not amiss to insert a Clause at the end of the Warrant to Command the Gaoler to receive him, to this purpose. *That you him convey to the common Gaole of the County, and him deliver to the Gaoler or his Deputy there, who are hereby required him to receive and detain in their custody as a prisoner until he shall be from thence delivered by a due course of Law.*

16. There is a necessity in it that the Justice of Peace do subscribe his name to his Warrant. But that he should put to his Seal in every cause,

is not needful; for in a Warrant of the Peace or good Behaviour it is not needful, nor where an Act of Parliament saith that the Justice by Warrant (or by Warrant under his hand) may doe such a thing. But if the Law say he may or shall do it by Warrant under his Hand and Seal, there the Warrant must be under his Hand & Seal, or it is not good. And therefore heed must be given to our Presidents herein; where we say, *Given under our Hands and Seals*: And in those Cases the Justice must put his Hand and Seal to the Warrant, or it is not well done. And for this cause we do advise the Justice to put his Seal to every Warrant.

17. There is little difference between a Warrant of Commitment and a Mittimus, for both are to do one thing, and they differ a little only in the form. It will be easie therefore to make one of them by the other.

18. It is usual to grant Warrants against offenders upon penal Laws to bind them over to the Sessions before they be indicted of the offence in cases where there is no special power or direction given by the Statute so to doe. But we dare not advise men so to do, being unsatisfied of the lawfulness thereof. But we agree it to be clear and safe that after the offender is indicted of the offence, and the Bill found, or after the offence found by Presentment of the grand Jury, there it may be done, & the party offending forced to be bound over to the next Quarter Sessions to answer it, and also to put in sureties for his good Behaviour in the mean time, if the offence for which he is indicted will warrant it. And if he be indicted for whoredome, selling Ale, contrary to the Justices or-

der, or the like. So also in cases where a Law doth give a special Command and power to any Justice of Peace to bind over an offender to the sessions, as the Statute of 5 *Eliz.* 4. Touching Masters and Apprentices, the Law of 23 *Eliz.* 10. Touching Hawking in eared or cooded Corn, and the Act of 0 *February* 1600. Touching repair of Churches, 1 *Ed.* 6. *cha.* 1. 23 *Eliz.* *cha.* 10. and some others do. In these cases they may binde them over before Inditement. But then it is best first to send a warrant of Summons to call in the party offender before the Justice to answer the matter, and then if he appear, and he see no cause to forbear to bind him over to do it. And if he do not appear, then he may send for him and bind him over, and bind him to the good Behavior also for his Contempt. For which there are Presidents prepared amongst the Presidents set down in this Book.

19. Where a Statute doth give power to a Justice of Peace to compel men to do any thing, in order hereunto he may send his warrant to require them to come before him, and in case of their refusal proceed in the last.

20. The Justices of the Peace may send their Warrants for any thing that doth relate to a Special Sessions, either to compel appearance or attendance there, or execution of any thing there done under their own hands, if they please; for they may let it be done by the Clerk of the Peace, as the business of the Quarter Sessions is done.

21. What may be done by the Warrant of one Justice of the Peace alone, may be known by the penning of the President; for if it be penned to be made by one Justice (as *W. S.* &c. *whereas it hath been proved before me*, &c.) then you may be

ſure that one Juſtice of Peace alone may doe the thing contained in the Warrant. And where two are named, there in moſt of the Caſes two are neceſſary.

22. The ſame Preſident that ſerves upon a conviction by witneſs, will ſerve upon a conviction by view or hearing. For J. S. being lawfully convicted before me, is appliable to either, and will ſerve to both.

23. It is a good cloſe of every Warrant ſent to an Officer, to require him to give an account how he hath executed it, after this wiſe. *And that you be then there with this Precept to give us an account of your Execution of it*: Or thus, *And that you give me an account within fourteen dayes next following of your execution of my warrant.*

24. Where a Statute is penned thus, That the Conſtables or Churchwardens by Warrant from a Juſtice of Peace ſhall be enabled to do an act, in this caſe we conceive the Juſtifie may juſtifie the making of that Warrant.

CHAP. II.

Of the Peace.

Glouc. ff. W. S. and A. B. Eſquires, two of the Juſtices of the Peace within the County of *Glouceſt.* or thus, largely, W. S. and A. B. Eſquires, two of His Majeſties Juſtices of Peace aſſigned for the keeping of the Peace, and hearing and determining of divers fellonies within the County

To raiſe the Power of the County.

of

of Glouceſt. to the High Sheriff of the ſame County, and to all high Conſtables, petit Conſtables and other Miniſters and officers appointed to keep the Peace of the ſame County, greeting; It being given us to underſtand that divers evil doers and diſturbers of the publick peace of this Kingdom are aſſembled together in Conventicles, and being Armed, and in a Warlike poſture, are together in and about W. in this County, where they do riotouſly and forcibly enter into the Houſes, and take away the Goods and Chattel of divers of the peaceable People of the Country, and where they have made a manifeſt commotion, and committed divers other felonies and other outrages, to the terrour of the good people thereabouts, the hazard of the whole Kingdom, in contempt of His Majeſty, and againſt the form of the Lawes in that caſe provided. Therefore you and every of you the ſaid Sheriff, High Conſtables, and petit Couſtables, are hereby ſtraitly charged ſo long as the ſame commotion and danger ſhall continue, to take eſpecial care of the peace of the County within your ſeveral precincts, and in order thereunto, to keep a ſtrong Watch by night, and a good Ward by day, and to apprehend all the breakers thereof. And you the ſaid Sheriff are hereby by us commanded and authorized to come your ſelf unto us armed, and to bring with you an hundred able men, and armed men, to *Date* in this county on the firſt day of February next, to aſſiſt us in the ſuppreſſing of the ſame commotion, and in the keeping of the peace. And all other perſons are hereby commanded to be obedient to you the ſaid Sheriff, and the ſaid Conſtables therein, at their perril. And hereof

you

you are not any of you to fail at your peril. Given under our hands and seals at S. within the same County the first day of January. 1653.

Observations upon the first warrant.

1. The stile and Teste of all the warrants that doe follow, may be after the same manner as this is.

2. A warrant may be sent to the High-constables to cause so many able men to come armed to such a place from every hundred, and so an army may be had, and these the Justices may lead or send any where in the county to make or keep the peace; And by this warrant you may know how to make such a warrant.

Glouc. ff. To command the keeping of the peace.

W.S. and F. B. Esquires, &c. To the Sheriff of the same County, and to all high-constables, and petit constables, and other ministers and officers appointed to keep the peace within the same County, greeting; where we are informed that there is a great meeting appointed to be had at D. within this County, upon the first day of May next, under pretence of a faire then and there to be kept, (or under pretence of a cock fighting to be there had, (or under pretence of a race to be there run) when and where by occasion or under colour thereof, it is suspected there may be some notorious breach of the peace, by a fray, error, insurrection, or otherwise. For the preventing whereof and the keeping of the peace; These are to authorize and require you and every of you, that you calling to your assistance and aide such a number of persons as you shall think fit, all which persons are by us required to assist you, and that

that you are then there provided during the ſame meeting, and by all the lawful ways and means you can, ſee that the publick peace be kept and preſerved, and the breakers and diſturbers thereof puniſhed. And hereof, and to give us an account of your doings herein, within fourteen days after the ſame day be paſt, you are not to fail at your peril. Given, &c.

Obſervations upon this warrant.

1. Whatever the Juſtices of the peace may do, or the Sheriff or conſtables ought to do in order to the keeping of the peace, the Juſtices may by ſuch a Warrant as this is command them to doe.

CHAP. III.

Of Blaſphemy and Hereſie.

Glouc. ff.

W. S. and L. S. Eſquires, two of the Juſtices, &c. To the Conſtables of D. in the County of G. it being lawfully proved before us againſt I. S. of D. aforeſaid, that he did the firſt day of May laſt paſt, at D. aforeſaid maintain and publiſh by preaching, (or by printing, or writing, or by teaching) horrible blaſphemy and hereſie, to wit, That there is no God, (or that God is not preſent in all places.) And ſo as the caſe is, if it fall out to be any one of the offences, contrary to the act of Parliament in that caſe

For the firſt degree of theſe offences.

caſe provided, for which he is committed to priſon without baile till the next Goale delivery; Theſe are therefore to authorize and require you forthwith, him the ſaid B. to apprehend and carry to the common Goale of the county of Glouceſt. and deliver to the Gaoler his deputy there, who are hereby required him to receive and retaine without bail taking, until the next Goale delivery to be held for the county of Glouc. And hereof, &c. given. *&c.*

Glouc. ſſ.

Another for a leſſer ſort of offences.

W. S. and L. S. &c. to I. S. of D. in the coun. of G. Complaint being made to us by ſome of the inhabitants of *Dale* againſt the ſaid I. S. that he the firſt of *May* laſt paſt at *Dale* aforeſaid did maintaine and publiſh by preaching, (or by printing, or writing, or by teaching) certain errors in opinion, *viz.* That all men ſhall be ſaved, and that the ſouls of men after their death do go to purgatory. (And ſo as the caſe is, contrary to the act of Parliament in that caſe provided; The which complaint we having examined, find to be true. And thereupon therefore in purſuance of the power given to us by the ſaid Act, do hereby order and command the ſaid I. S. to renounce his ſaid errour in the in the publick Congregation of the Pariſh Church of D. aforeſaid, letting him to know that if he do not ſo within a convenient time, that he is to be ſent to Goal till he give bond with ſureties never to offend ſo again; Given under our hands and ſeals, &c.

Obſer-

Obſervations upon theſe warrants.

1. One of the Juſtices that doe theſe warrants muſt be of the Quorum.

2. But how the Juſtices may go farther in this out of the Seſſions, we cannot adviſe.

3. This warrant and ſuch like will ſerve as well where the conviction is by the ſight or hearing of the Juſtice himſelf, as by proof of witneſſes.

W. S. Eſquire, &c. To the conſtable of D. in the County of G. It being duely proved before me againſt I. S. of your Town, that he (ſuch a day) at D. aforeſaid, being in his good health and ſenſes, did advowedly maintaine in words, (or did affirm and maintaine in writing) certaine execrable opinions and blaſphemies, to wit, that he the ſaid I. S. was very God, and that drunkenneſs is no ſin; and ſo for any of the reſt named in the Act contrary to the act of Parliament in that caſe provided, for which he is to be committed to the priſon or houſe of correction for 6. moneths. Theſe are therefore to authorize and require you him the ſaid I. S. forthwith to apprehend and carry to the common Goal of the County of G. (or to the Bridewell at D. within the ſaid County,) and deliver him to the Gaoler or his deputy there, (or to the Governour of the Bridewell there,) who are hereby required him to receive, and ſafely to detaine for ſix moneths without bail or maineprize, and this ſhall be your warrant, Given at D. aforeſaid. *Glouc. R.*

CHAP. IV.

Of the Lords day.

Glouc. ff.

Against merry meetings.

Either of these are sufficient.

This warrant is grounded upon the stat. of 1 Car. 1.

W. S. Esquire, &c. To the constables and tythingmen of *Dale* within this County, and every of them, (or it may be directed to the Churchwardens of *Dale*,) Whereas the persons undernamed, all of your Parish of *Dale*, within this County, have been lawfully convict before me, that they the first day of *May* last past being the Lords day, (so that they upon a Lords day within a moneth past) did cause or maintain, or keep an assembly, meeting, or concourse at *Sale* in this County, being out of their own parish, for sports and pastimes, *viz.* for foot ball, and for wrestling, (or cause an assembly, meeting, and concourse of People, and were present at it, or cause an assembly, meeting, and concourse of People, without the other words,) for a bear-baiting, or for a Bull-baiting, or for a Common-play, or for cards and dice, or for dicing, as the case is; contrary to the act of Parliament in that case provided. By which either of them hath forfeited three shillings and four pence a peice for the use of the poor of your parish to be levyed by the Constables or Church-wardens by distress and sale of the goods of the offender, and in default of distress to be put in the stocks three hours. These are therefore to authorize and require you forthwith to levy the same sum of three shillings four pence of every of the said named persons, and of their goods respectively by distress and sale there-

thereof, rendring to them the over-plus. And in case of lack of distress that then you see that the same person or persons lacking distress, be set publikely in the Stocks by the space of four hours. And the same money forfeit being by you received, that you take care the same be by you imployed to the use of the poor of your Parish, according to the said Act. And hereof fail you not, &c. Given under my hand and Seal, &c.

W.S. of *Dale* husbandman.
I. S. of the same yeoman.
K.*L.* of the same labourer.
N.M. of *Sale* husbandman.

W. S. &c. Two Constables, &c. (as in the last) Whereas the last persons undernamed of your Parish of *Dale* have been lawfully convict before me, that they the first day of May last past, being the Lords day (or upon any Lords day within a moneth now last past) at *Dale* aforesaid, did use and exercise gaming and sporting *viz.* wrestlings or Shooting, or Bowling, or Ringing of Bells for pleasure, or Dancing, or Dicing, or Carding,) or did keep and maintaine wrestlings or Shooting, or Bowling, or at Ringing of Bells for pleasure, or a Masque, or a Wake, or a Church-ale, or a Dancing; or were present at a Wrestling, or at a Shooting, or at a Bowling, or at a Ringing of Bells for pleasure, or at a Dancing, or at a Dicing, or at a Carding, or at a Masque, or at a Wake, or at a Church-ale, contrary to the Statute in that case provided; and that it hath been proved to me that they were all of them at the time of the same offence committed, above 14 years old, by which either of them hath forfeit 5. *sh.* to the Poor of your Parish to be levied by distress and sale

Glouc. ff.

Another.

Either of these is enough.

This is grounded upon a Case 1.

ſale of goods, and for lack of diſtreſs to be put in the Stocks 3 hours. Theſe are therefore to authorize and require you forthwith to levie by diſtreſs and ſale of goods of every of the ſaid undernamed perſons, the ſum of five ſhillings, reſpectively rendring to them the over-plus; And in caſe of lack of diſtreſs, &c. (as it is in the laſt to the end.)

3 Glouc. ff. Given under my hand and ſeal, &c.

Any one of them is ſufficient.

W. S. &c. To the Conſtables, &c. as is the laſt, It being duly proved before me that I. S of your Pariſh of D. the firſt day. &c. (as in the laſt) in your Pariſh of D. aforeſaid, was preſent at a daunceing meeting, or a Churchale, or a carding match (or as the caſe is in any of the laſt warrants) contrary to the act of Parliament in that caſe provided, and that the ſaid *I.* S. was at the time of the ſaid offence committed, under the of age of years, and under the government & education of G. S. his father, living in *Dale* aforeſaid, whereby the ſaid G. S. hath forfeited twelve pence to the uſe of the poor of your Pariſh, to be levyed, &c. Theſe are, &c. (as it is in the laſt to the end.)

4 Glouc. ff. Given under my hand and ſeal, &c.

Either of theſe is ſufficient.

W. S. &c. To the Conſtables, as in the laſt. It being duly proved before me that I. S. of your Pariſh of *Dale* a Carrier, or Waggoner, the firſt day of, &c. being the Lords day, in your Pariſh of *Dale* aforeſaid, did (being then a Carrier) with his horſe or horſes; (or being then Waggonman) with his waggon; (or being then a Carter) did with his Cart; (or being a Wayne-man) with his wayne, or a Drover with his cattel, as the caſe is, travel into, and through your ſaid Pariſh of Dale contrary to the ſtatute in that caſe provided, by which he hath forfeited twenty ſhillings to the uſe

the poor of your Parish of *Dale*. Theſe are erefore to authorize and require you forthwith levie the ſame 20 ſhillings of the goods of the id I. S. by diſtreſs and ſale thereof, rendring to m the overplus. And the ſame ſo by you reived, that you ſee it be imployed to the uſe of the or of your Parish according to the intent of the ne Statute. And hereof, *&c.* Given under my and and Seal, *&c.* This is grounded upon 3 Car. 1.

W.S. *&c.* To the Conſtables and Tythingmen D. and every of them (or it may be to the hurch-wardens of *Dale*.) It being duly proved be-e me, that J. S. of your Town Butcher, did in *Dale* reſaid, the firſt day of *May* laſt paſt, being the rds Day, kill, or cauſed to be killed victuals (to t) one Calf, or did ſell victuals contrary to the t of Parliament in that caſe provided, whereby hath forfeited 6 *ſh.* 8 *d.* to the uſe of. *&c.* as in laſt. And the ſame ſo by you received that you be imployed to the uſe of the poor of your Pa-h. And hereof, *&c.* Given under my hand, *c.* 5 *Glouc. ſſ.* Either of them is ſufficient. This is upon 3 Car. 1.

To the Conſtables, &c. as in the laſt.

W.S *&c.* It being duly proved before me that S. of your Pariſh of *Dale* did the firſt day of *May* t paſt (being the Lords Day, in *Dale* aforeſd) publickly cry Fruit, or Herbs, or ſhew forth d expoſe to ſale Wares and Merchandiſes and ods, by which he hath forfeited the ſame. Theſe e to require you to appear before me (ſuch a day d time) to anſwer the premiſſes. Given under y Hand and Seal, *&c.* 6 *Glouc. ſſ.* Either of them is ſufficient.

To the Constables, &c. as in the last.

7 Glouc. ff. W. S. *&c.* It being proved, *&c.* (recite the former Warrnt) and the said I. S. appearing before me, confessed the same goods to be 20 pound of Tobacco, or as the case is. These are to require you to seize the same Tobacco, and the same to secure to be disposed according to the Law in that case provided. Given under my hand and Seal, *&c.*

To the Constables, &c. as in the last.

8 Glouc. ff. W. S. *&c.* It being duly proved before me, that *I. S.* of your Parish did the first day of *May* last (being the Lords Day) at *Dale* aforesaid travel without reasonable cause, *viz.* travel from his house there, to the house of *D.* being two miles distant, contrary to the Act of Parliament in that case provided. By the which he hath forfeit ten sh. to the use of the poor of your Parish to be levied by distress and sale of his goods, and for lack of distress, to be set in the stocks three hours. These are therefore to authorize and command you, as in the first before. Given under my Hand and Seal, *&c.*

To the Constables, as in the last.

9 Glouc. ff. W. S. *&c.* It being duly proved before me that I. S. of your Parish did the first day of *May* last (being the Lords Day) at *Dale* aforesaid, without reasonable cause, carry burthens, *viz.* a Bushel of Wheat to a Mill there, or do worldly labour and work, *viz.* drive his cattel from one ground to another

One of these is enough.

ther, half a mile distant, contrary to the Act of Parliament in that case provided. By which he ath forfeited 5 sh. to the use of, *&c.* as it is in the ast, word by word. Given under my hand and eal, *&c.*

We give you no Presidents here to levy the forfitures upon them that serve process, use Coaches or Boats, that come in late Saturday night, r go out early on a Monday morning, nor against hem that are singing, dancing, or tippling in an le-house, or Miller grinding on this day, nor against the Officers that neglect to punish them; ecause we conceive none can be granted against hem till they be convicted, which cannot be, but y Inditement.

W. S. and I. S. two, *&c.* To all the Constables, 10 *Glouc.ſs.*
hurchwardens, and Overseers of the poor of e Parish of *Newent* in the County of *Glouceſt.* formation and Complaint being given in and ade unto us, That the Profanation of the Lords y is very much and frequently practised within ur Parish by the disorderly meetings of young ople, by gaming, sports and pastimes, drinking, ppling, and by other means, contrary to the ws in that case provided; and that you are negent in the Duties laid upon you by the same ws. These are therefore straitly to charge u henceforth to look to it, that no such disorders hereafter among you, but that you forbid the me, and that you do from time to time according the duty of your places, make diligent search for e finding out, apprehending and punishing of l them that shall be found offenders herein. And at you do inform us hereof as occasion shall be; d that you or some one of you appear before the

Justices of the Peace at the house of, &c. upon to bring in the names in writing of those persons, who shall in the mean time offend in the Premisses. Letting you to know that if you fail hereof we shall not fail to inflict the punishment appointed by the same Laws upon you for your neglect therein. Given under our hand at the Castle of *Glouc.* this 21 day of June 1500.

CHAP. V.

Touching Felony.

To all Constables and Tythingmen within the County of Glouc.

1 *Glouc.* ff. To search for a Felon.

W. S. &c. Where is information hath been given to me that there have been 10 sheep lately taken away from J. S. of D. in this County, the which he doth suspect to be stollen, and the Felon is suspected to lie hid in some one of the places, or Parishes adjacent. These are therefore to require you, and every of you forthwith to make diligent search in all suspected places within your Parishes for the said Felon. And in case you shall find the Felon, or any of the same sheep, or shall finde any other just cause to suspect any person whatsoever of the same Felony, that you cause the same sheep to be secured and the said Felon to be apprehended and brought before me, or some other Justice of the Peace of the said County, to be examined concerning the premisses. And that you

you warn the ſaid I. S. to be, and that you your ſelf be alſo before the ſame Juſtice, at the time of his examination, Given under my hand, this, &c.

To the Conſtable of Dale within this County.

Whereas complaint hath been made to me by N. O. that of late he hath had feloniouſly taken from him certain goods, or 6 Oxen, or a Gray-mare, *&c.* as the caſe is, and that he hath in ſuſpicion divers and evil diſpoſed perſons within your Pariſh of *Dale*. Theſe are to require you that immediately upon ſight hereof, you make diligent ſearch in all and every ſuch ſuſpected houſes and places within your Pariſh, as you and the ſaid N. O. ſhall think convenient. And if upon your ſearch, you find any of the ſaid goods in the hand of any perſon, or ſhall have any other juſt cauſe of ſuſpicion of any perſon, that then you bring ſuch ſuſpected perſon before me, or ſome other, *&c.* to anſwer the premiſſes. And hereof, *&c.* 2 *Glouc. ff.* Another of the ſame.

Obſervations on theſe warrants.

Some have diſliked theſe Warrants, and upon ſome good reaſons alſo: for it is a Rule, that no man can arreſt for felony upon the ſuſpicion of another, but upon his own ſuſpicion. And ſome unhappy uſe is oft-times made of theſe Warrants, and honeſt men abuſed by them. But we conceive that common uſage hath made theſe Warrants juſtifiable at this day, and that the ſame Juſtice of Peace, upon information, may take up the ſuſpicion, and proceed upon his own ſuſpicion.

To the Conſtables of Dale within this County.

3 *Glouc. ff.* To apprehend a Felon

Information being given to me upon the Oa of I. S. that he hath of late two ſheep feloniouſ taken from him, and that he hath in ſuſpition o T. K. of your Town Taylor. Theſe are to r quire you preſently upon receipt hereof, to appr hend the ſaid T. K. and thereupon to bring hi before me to anſwer to the premiſes. And here *&c.*

Obſervations upon this Warrant.

This Warrant hath been alſo excepted again but we conceive at this day there is no cauſe doubt of him. And that Warrants may be gran by a Juſtice to attach perſons ſuſpect of felony b fore they be indicted for it. But upon an Indi ment of Felony, without queſtion any Juſtice Peace may arreſt the party indicted by ſuch a w rant as this which followeth.

To all Conſtables, as in the firſt.

4 *Glouc. ff.*

W.S. *&c.* Theſe are to will and require you pr ſently upon receipt hereof to attach the body of B. who ſtands indicted for a felony, by an indi ment taken at the laſt general Quarter Seſſions the Peace for the County of *Glouc.* And him bring before me, or ſome other Juſtice of the Pe of this County, to be dealt with according to Law. Or thus, and him to carry to the Comm Gaol within the Caſtle of *Glouc.* there to be k until he be delivered by due courſe of Law. It m be made both theſe ways. And hereof, *&c.*

W. S. *&c.* To the Conſtables of, *&c.* Theſe are to require you upon ſight hereof to warn to be before me or ſome other Juſtice of Peace of this County, within three days next following the perſons undernamed, to the end that they may be bound before him to make their perſonal appearance at the next general Gaol-delivery, or Quarter Seſſions to be holden for this County, then and there to teſtifie their knowledge concerning a felony ſuppoſed to be done by A. B. now a Priſoner in the caſtle of G. And that you do then go with them to the ſame Juſtice with this Warrant. And hereof, *&c.* Or thus, W. S. *&c.* You are hereby required forthwith to warn the perſons undernamed of your Pariſh, to be before me at my dwelling houſe in D. upon Monday next, by nine a clock in the Morning, to teſtifie their knowledge concerning certain felonious acts ſuppoſed to be done by A. B. and C. D. of, *&c.* And that your ſelf be then there with this Warrant to ſhew how you have executed it. And hereof, *&c.*

5 *Glouc. ſſ.* To bind men to give in evidence againſt a Felon.

Obſervations here.

We have ſeen a preſident in this Form for this purpoſe, That you cauſe to come before me the perſons undernamed, to teſtifie, *&c.* which we cannot but diſallow for its ambiguity: for how ſhall he cauſe him to come? Beſides, the word ſeems to import, that he ſhall bring him in the nature of a priſoner, which is not lawful to do in this caſe.

To all Conſtables, and others His Majeſties Officers, as well within the County of Glouc. *as elſewhere in the Kingdom of* England.

6 *Glouc ſſ.* To Command Hue and Cry.

W.S. *&c.* Whereas complaint hath been made unto me by L.M. of, *&c.* Husbandman, that upon Tueſday at night laſt (being the tenth day of this inſtant *November*) he was robbed of certain linnen taken out of his houſe with ſome other things, and that he hath manifeſt cauſe of ſuſpicion of one N. K. a lewd rogue, (*here deſcribe his Perſonage and Apparel.*) Theſe are therefore to require you and every of you, to make ſearch within your ſeveral precincts for the ſaid N. K. and alſo to make Huy and Cry after him from Town to Town, and from County to County, and that as well by Horſemen as Footmen. And if you ſhall find him the ſaid N. K. that then you carry him before ſome one of the Juſtices of the Peace within the County where he ſhall be taken, by him to be dealt withal according to Law, &c. And hereof, *&c.*

To all Conſtables and Tything-men of the Pariſhes and Tythings within the County of Glouc. *and every of them,* &c.

7 *Glouc. ſſ.* W. S. *&c.* Foraſmuch as I am credibly informed that J. B. of your Town Blackſmith, hath now lately dangerouſly hurt one T. G. of your ſaid Town Husbandman, by a blow which he hath given the ſaid T. G. on the face, and another on the back, ſo as the ſaid T. G. is in dan-

ger

ger of death thereby. These are therefore straitly to charge and command you, that immediately upon the sight hereof, you or one of you to bring the said J. B. before me, or some other of his Majesties Justices of the peace of this County, to find sufficient Sureties, as well for his appearance before the Justices at the next Goal-delivery to be holden for this County, then and there to answer unto the Premisses, and to do and receive therefore that which by the Court shall be enjoyned him, as also that he the said J. B. shall in the mean time keep the Peace towards the Kings Majesty, and all his Liege People, but especially towards the said T. G. And hereof fail you not at your peril. Dated &c.

To apprehend one who hath dangerously hurt another.

CHAP. VI.

For a Riot and forcible Entry.

The record of a force found by the Justices own view.

Memorandum, That the first day of March, 1653. J. S. Complained to me W. S. one of His Majesties Justices of peace, for the county of Glouceſt. that J. D. of S. in the said County yeoman, and divers others unknown persons, troublers of the peace, the first day of May 1654. into the dwelling house of the said J. S. in *Dale*, in the said 1 *Glouc. ff.*

ſaid County, with ſtrong hand did enter, and him the ſaid J. S. thereof diſſeiſed. And the ſame houſe with ſtrong hand, and armed power doth yet detaine and hold, and therefore deſired of me relief on this behalf to be yielded; whereupon I the ſaid W. S. immediately in perſon came to the ſaid dwelling houſe to view the ſame. And in the ſame houſe I then found the ſaid I. D. E. F. of, &c. and G. H. &c. the ſame houſe with force and arms, a ſtrong hand and armed power, to wit, with bows and arrows, ſwords and daggers, guns, and other arms defenſive and offenſive, holding againſt the form of the Statutes in that caſe provided. And therefore I the aforeſaid W. S. the ſaid I. D. E. F. G. H. did then there arreſt, and cauſe to be ſent to the next Gaol of the ſaid Kings Majeſty for the ſaid County within the caſtle of Glouceſt. as convict of the ſaid forcible detaining, by mine own view and and record, there to abide till he ſhall make fine to the ſaid Kings Majeſty for his offences aforeſaid. Dated at *Date* aforeſaid under my hand and ſeal, the day and year aforeſaid.

The Record of a Riot upon the view of the Juſtices.

Memorand. that the 1 day March 1600. We W. S. and K. L. Eſquires, two of the Juſtices of the K. Majeſty now aſſigned to keep the peace in the County of Glouceſt. at the comp laint of I. S. of W. in the County aforeſaid yeoman, in our propet perſons came to the dwelling houſe of the ſaid I. S. at W. aforeſaid, and there we found certaine perſons, A. B. &c. and other evil doers and diſturbers

bers of the peace of the Kings Majeſty, to the number of eighty perſons in a warlike manner arrayed, to wit, with ſwords, ſtaves, bows and arrows riotouſly, and unlawfully gathered together, and the ſame houſe ſo keeping, to the great diſturbance of the peace of the ſaid Kings Majeſty, and the terrour of the people, and againſt the form of the Statutes in that caſe provided. And therefore we the ſaid Juſtices of peace, the bodies of the ſaid A.B.&c. did then arreſt, and to the next gaol of the ſaid County did then cauſe them to be carried by our Record of the treſpaſs aforeſaid, convict in our preſence, there to abide till they ſhall make their fine to his Majeſty for their treſpaſs aforeſaid. In teſtimony whereof, we have put our ſeals to this our Record. Dated at W. aforeſaid, the day and year aforeſaid.

The form of the Mittimus to the Goal.

W. S. one of his Majeſties Juſtices of the Peace within the County of Glouceſt. To the keepers of his Majeſties gaol within the Caſtle of Glouc. within the ſame County, and to his deputy there, Complaint being made to me this preſent firſt day of May of a forcible and riotous detainer of a houſe made by K. L. &c. and M. N. of, &c. the which having viewed, I find to be true, againſt the peace of our Soveragn Lord the King, and the Statutes in that caſe provided. Therefore I ſend you by the bringers thereof, the bodies of the ſaid K. L. and M. N. convicted of the ſaid forcible holding, (or Riot) by mine own view, teſtimony and record, commanding you in his Majeſties name, them to receive, and ſafely keep 3 *Glouc. ſſ.*

keep in your ſaid gaol, until ſuch time as they ſhall make their fines to his ſaid Majeſty for the ſaid treſpaſſes, and ſhall be thence delivered by order of the law of the Land, at your peril. Given at W. aforeſaid, under my hand and ſeal, the day and year aforeſaid.

The precept to the Sheriff to return a Jury.

Glouc, ſſ.

W. S. &c. To the Sheriff of the ſaid County of Glouceſt. I command you that you make to come before me at &c. (time, and place) twenty four honeſt ſufficient, and lawful men of the neighbourhood of W. within this County, whereof every one ſhall have forty ſhillings of Lands, Tenements and Rents by the year at leaſt, above repriſes, (or to enquire if A B. &c. and other maleſactors, and diſturbers of the peace of our Soveraign Lord the King, in one Meſſuage, and twenty acres of land of C. D. of &c. with a ſtrong hand, upon the poſſeſſion of the ſaid C. D. did enter, or the ſame with force do yet hold and occupy) to require upon their oaths for his Majeſty, of a certain entry, or detainer made with ſtrong hand in the Meſſuage or dwelling houſe of A. B. at W. aforeſaid, againſt the form of the Statutes in that caſe provided. And you are to ſee that you return upon every one of the Jurors, by you to be impannelled twenty ſhillings of iſſues at the ſame day of return. And hereof you are not to fail under pain of twenty pounds, which you know you are to ar, if you be negligent in the premiſſes; Witneſs me the ſaid W. S. the firſt day of, &c. 1673.

The

The Verdict of the Jurors.

An Inquiſition for our Soveraign Lord the King taken at *Dale* in the County of Glouc. the firſt day of May 1672. by the Oaths of A. B. C.D. good and lawful men of the County, before W. S. one of the Juſtices of our ſaid Lord the King to keep the peace in the ſaid County aſſigned, and to hear and determin divers felonies, treſpaſſes, and to other evil deeds committed in the ſame County, who ſay upon their oaths that C. L. of &c. yeoman, was lawfully and peaceably ſeiſed in his demeſne, as of Fee, of and in one Meſſuage &c. with the appurtenances in *Dale* aforeſaid, and his poſſeſſion and ſeiſin aforeſaid ſo continued unto A. B. &c. and other unknown perſons the firſt day of May 1672 by force and arms, to wit, with ſwords, and ſtaves, bows and arrows into the ſaid Meſſuage entred, and the ſaid C. D. thereof diſſeiſed, and with a ſtrong hand him expelled. And him the ſaid C.D. ſo diſſeiſed and expulſed from the ſame Meſſuage, &c. from the aforeſaid firſt day of May, until the day of the taking of this inquiſition, with the ſame ſtrength and armed power have hitherto kept out, and yet doth keep out, to the great diſturbance of the peace, and againſt the form of the Statutes in that caſe made and provided; whereas none of them, nor any other, whoſe ſtate they or any of them had or have, or any thing in any parcel thereof had or have, within three years laſt before his ſaid entry, nor at any time before to the knowledge of the ſaid Jurors.

Warrant

Warrant for Reſtitution.

6 Glouc. ſſ. W. S. &c. To the Sheriff of the ſaid County greeting: Whereas by a certain inquiſition of the Countrey taken before me at *Dale* in the County aforeſaid, the day of &c. upon the Oath of A. B. C. D. &c. and according to the form of the Statute in caſe of forcible Entry provided. It was found that A. B. &c. and others &c. as it is in the inquiſition (unto thoſe words in that caſe provided) as by the ſaid inquiſition doth more fully appear of record. Therefore on the part of our Soveraign L. the King; I command and require you that you altogether (with the power of the county)if need require,go to the ſaid meſſuage, and other the premiſſes,and the ſame with the appurtenances do cauſe to be reſeiſed,and the ſaid C. D. to and in his full poſſeſſion thereof, as he was in before the ſame entry,you cauſe to be reſtored,according to the form of the aforeſaid Statute. And hereof you are not to fail at your peril, &c. Given under my ſeal, &c.

CHAP. VII.

Concerning the Poor.

1 Glouc. ſſ. WE the Juſtices of the Peace and Quorum of the County of G. next adjoyning to the pariſh of D. within the ſame county, whoſe hands & ſeals are hereunto annexed,do nominate and appoint I.S. & W.S. of the ſame pariſh of D. together with

To make overſeers of the Poor.

with the Churchwardens of the ſame pariſh, to be Overſeers of the poor of the ſame pariſh for this preſent year 1672. according to the Act of Parliament in that caſe provided, dated &c.

These warrants are grounded upon 43. Eliz. 2.

There is another form of commmon Overſeers of the Poor to undertake the office, but this ſeemes to be needleſs, and that the former Order is ſufficient, for being duly choſen according to the Statute, they muſt undertake it.

W. S. and L. S. Eſquires, two of the Juſtices of the peace of the County of Glouc. To the Churchwardens and Overſeers of the Poor of the pariſh of D. in the County of G. Whereas the perſons here undernamed, all of your Pariſh of D. have been duly aſſeſſed the ſummes of money here under at their names appearing, and ſet down, and aſſeſſed upon them towards the maintenance and relief of the poor of your pariſh, the which rate hath been duly confirmed by two of the Juſtices of the peace of the ſaid County according to the form of the Statute in that caſe provided. The which ſummes they are in arrear and refuſe to pay although the ſame have been demanded of them. These are therefore to authorize and require you once more to demand the ſaid ſeveral ſummes of the ſaid ſeveral perſons reſpectively. And in caſe they refuſe to pay the ſame, that then you levy it by way of diſtreſs and ſale of the goods and chattels of the perſons refuſing to pay the ſame reſpectively, rendring to them the overplus according to the ſaid Statute. And that you the ſame money pay and diſtribute to the uſe of the poor of your pariſh according to your office. And hereof, &c.

2 Glouc. ß. To diſtrain for money for the poor.

W. S. and L. S. Eſquires, &c. two of the &c. (as in *3 Glouc. ff.*

Another for the same.

in the last) To the, &c. as in the last. These to authorize and command you presently to demand of I. S. of your parish of *Dale* the summe five shillings, being duly assessed and rated upo him, for and towards the relief of the poor of you said Town, according to the form of the Statu in that case provided. And if he refuse to pay th same, that then you presently levy the same b distress and sale of the offenders goods, rendring him the overplus, of the money made by sal thereof. And this shall be your warrant therei Dated, &c.

4 *Glouc. ff.* To warn all persons to appear to examine the matter of a bastard child.

W. S. and I. S. two of the Justices, &c. near the parish of *Dale* in the County of G. To th Constables, Churchwardens, and Overseers of th poor of the same Parish, and to I. K. of &c. and M. S. of the same parish of D. and every of them. It being proved before us that the same M. S. delivered of a bastard child, likely to be chargeabl to your Parish, which she doth father upon th said I. K. who is therefore at the request of th said Officers, and on the behalf of the said parish bound to the good behaviour, and to appear at th next sessions; These are therefore to give you no tice, that we have appointed on Monday the fift day of May next, at the house of K. L. in T. t meet to examine the same matter, and to take or der for the punishment of the said Parties relief o the said parish, in case the same child shall becom chargeable to it, and the keeping of the same child You are therefore all of you hereby required to at tend us, with such witnesses as you please to produce in the place, & at the time aforesaid. And you th said Constables are in due time to give notice hereo to all the rest of the parties, Churchwardens, Overseers

ers of the poor, the said I. K. and M. S. And at you your self be present at the time and place foresaid, to give an account how you have executed this our Warrant. And hereof not to fail, *&c.* ated, *&c.*

W. S. and T. W. Esquires, *&c.* two of the Justices of the Peace of the said County, *Imprimis*, upon e examination of the said M. S. duly by us taken, e do find that the said I. K. is charged to have d divers times bodily and carnal knowledge of r (between such times) and to be the only father the said Bastard child, *&c.* And having some her proofs to induce us to believe the truth hereof, therefore we do adjudge him to be the reputed ther of the said Child.

5 *Glouc. ff.* An order for a bastard Child.

We do further order as followeth, first that the id M. S. shall keep her said Child till it come to ght years of age.

Secondly, that the said I. K. upon notice of this r order, shall after such notice, pay into the nds of one of the Overseers of the poor of *D.* for e time being, after the rate of twelve pence every eek, to be paid monethly, every year towards the lief of the said Child, until it comes to 8 years age.

Thirdly, and after the said Child shall come to *&c.* that the said I. K. pay to the Overseers, *c.* 5 *l.* towards the putting out of the same child be an Apprentice.

Fourthly, that the said I. K. presently give good curity to one of the Overseers, *&c.* to perform is our order.

To the Conſtables of S. in the County of G. and every of them.

6 Glouc. ff. W. S. *&c* Information being given, and complaint being made to us, that the perſons undernamed of your Pariſh, have been duly taxed and aſſeſſed towards the raiſing of money for the relief of the poor of your Pariſh, theſe ſeveral ſummes their names ſet down, the which they have refuſed to pay upon demand. And a warrant having been ſent to the Churchwardens and Overſeers of the Poor, to levy the ſame by diſtreſs and ſale of the Offendors goods, and information being given to us by the ſaid Churchwardens and Overſeers concerning the ſaid perſons undernamed, that there is no diſtreſs to be had of their goods, whereby the ſame Aſſeſſments may be levied of them, and that they do ſtill refuſe to pay the ſame rate. Theſe are therefore to authorize and require you in caſe it be ſo, that no diſtreſs be now to be found or had, and that they do ſtill refuſe to pay the ſame rate, that you do apprehend the ſaid perſons and them do convey to the common gaol in the Caſtle of *Glouc.* there to remain without bail or mainprize till they pay all the ſame money taxed and the arrears thereof from them due reſpectively. Dated, *&c.*

To commit to priſon for lack of diſtreſs.

I. S. 10 ſh.
W. S. 5 ſh.
&c.

This Warrant we think to be ſcarce warrantable by Law, and ſhall not adviſe any Juſtice to make it without good advice. But if he will adventure, let him be ſure that the thing is true, that he doth refuſe, and there is no diſtreſs.

To the Churchwardens and Overſeers of the poor of the pariſh of Dale in the County of Glouc.

W. S. *&c.* Information being given, and com- 7 *Glouc. ſſ.*
plaint being made to us, that I. C. and L. M. of our Pariſh, the late Churchwardens and Overſeers of the poor of the ſaid Pariſh, did at the end of their year make and yield up to the Juſtices of the peace of the County, an account of the ſums of money by them received and paid. And that it appeared by the ſame account, that there was in pounds in money in the hands of the ſaid Churchwardens and Overſeers, the which they have not paid and delivered over unto the Overſeers and Churchwardens newly nominated and appointed for this year, contrary to the Statute in that caſe provided. Theſe are therefore to authorize, *&c.* that you levy the ſame of the goods of the ſaid I C. and L. M. and in caſe no diſtreſs can be had, that then, *&c.* (as in the laſt, changing that which is to be changed) leaving out reſpectively every where. Dated, *&c.*

To diſtrein for Arrears of accounts in the Officers hands.

W. S. *&c.* Foraſmuch as A. B. and C. D. of the 8 *Glouc. ſſ.*
Pariſh of *E.* the late Churchwardens of the ſame Pariſh, and F. G. and H. the late Overſeers of the poor of the ſame Pariſh have been duly required to come before us, and bring in an account of their receipts and diſburſements in the time of their office, according to the Statute in that caſe provided, And they refuſe ſo to do: Theſe are to authorize and require you to apprehend all the ſaid late Churchwardens and Overſeers of the poor, and them to convey to the common gaol within the Caſtle of *Glouceſter*, there to abide without Bail

To compel the Overſeers to account.

or Mainprize until they have made a true accou
and paid to the preſent overſeers and Churchw
dens all the mony that upon their accompt ſh
appear to be remaining in their hands. And here
&c.

Obſervations upon this laſt warrant.

I ſhall not aſſure you that this warrant is lega
to be granted by the Juſtices, or may be ſafely
ecuted by the ſubordinate officers, for the S
tute doth not direct how the offenders ſhall
convicted. However, if the Juſtices grant ſuc
warrant as this or that before for lack of
ſtreſs, they muſt be ſure they do it upon a
ground, to wit, that the thing be true they d
upon, viz. That they do refuſe to accompt, or
there doth want diſtreſs, &c. Otherwiſe its dan
rous.

To the High Conſtables of the hundred of W.

9 Glouc. ſſ. W. S. &c. Theſe are to authorize and req
you to ſend your warrants to all the petit Co
bles and Tythingmen of your hundred to
notice to all the Churchwardens and overſeers
the poor of their ſeveral pariſhes reſpectively,
they or ſome of them be at the houſe of &c. (
and place) with a true and perfect account in
ting of all the ſummes of money by them re
ved, or rated, and ſeſſed, and not received, as
of ſuch ſtock as is in their hands, or in the h
of any ſetters of the poor to work, and of all o
things concerning their office, and the ſame
examined and allowed by ſome of the moſt ſ
ſtantial perſons of their pariſhes under their ha
And alſo that they do then and there give u
wri

To call in the old Overſeers of the poor, & to name new ones.

iting the names and firnames of three or four of
ſubſtantial inhabitants in their ſeveral pariſhes,
t we may chuſe ſome of them to be overſeers for
poor of each ſeveral pariſh for the next year.
d hereof, &c.

the Church wardens and Overſeers of the Poor of the Pariſh of G.

W. S. &c. Complaint being made to us againſt
l. one of the Overſeers of the poor of the pariſh
ale in this County, for this year, that he hath
met with the reſt of the officers there month-
in the Church on the ſunday according to the
of Parliament In that caſe provided, whereby
hath forfeit 20. *s.* Theſe are therefore to require
authorize you to levy the ſame 20. *s.* of him
way of diſtreſs, and ſale of his goods, rendring
him the overplus. And the ſame money ſo re-
ed, that you imploy to the uſe of the poor of
pariſh. Given under our hands, &c.

10 *Glouc.ſ.*

To levy 10. *s.* for their neglect in their office.

Obſervations upon this warrant.

This warrant is commonly made, but *I* cannot
how warrantable, for there is no way of con-
ion ſet down in the Stat. for this offence, and
I take it, it muſt be by indictment, and can
o way elſe, But let him that grants this war-
be ſure that the cauſe thereof be true, and let
be well adviſed that the warrant be good.
The ſame law will be if they doe not ac-
the office, ſet their poor on work, make
s to raiſe money, and place poor Children
entices, and the like. Such a warrant muſt

be, if any be; But I conceive it's safe to do it by way of Indictment, and being convicted upon traverse, then two Justices may send their Warrant to levy the twenty shillings according to the Statute.

To the high Constable of the hundred of W, and to the Churchwarden, Overseers of the Poor of all the Parishes within the same hundred.

11 *Glouc. ff.* To bind poor children Apprentices.

These are to require you to send your Warrant and give notice to all the Churchwardens and Overseers of all the Parishes within your hundred that they are to be and appear before us, some of the Justices of the Peace of this County, upon Monday next, the day, *&c.* at the house, *&c.* with a note in writing of the names of all such poor people within their Parishes respectively as are over burthened with Children, so that they are not able to keep their Children by their labour, and what Children they have that are be to be placed Apprentices, and the names of such men of worth within their Parishes respectively that they think fit to make Masters for such poor Children; to the end that we may then and there take a course to ease them by binding them to such Masters. And the said Churchwardens and Overseers are hereby required to take notice hereof by your Warrant, and to see they do attend us in the execution of the contents thereof. And you also the said high Constable are to bring with you to us then, and there another note in writing of all such persons within your hundred as you know or judge fit to make take such kind of Apprentices, and hereof you are not to fail, *&c.*

This Indenture made the day of &c. witneſſeth that *A. B.* and *C. D.* Overſeers of the poor in the Town of *D.* in the County of *G.* and *E. F.* and *G. H.* Churchwardens of the ſame Town, by and with conſent of W. S. and I. S. Eſquires, two of the Juſtices of the peace for the County of *Glouc.* have by theſe preſents put, placed and bound *I. H.* (being a poor fatherleſs and motherleſs child, or the child of *W. H.* a poor man, as an Apprentice with *R. S.* of &c. Baker, and as an Apprentice with him the ſaid *R. S.* to dwell from the day of the date of theſe preſents, until the ſaid I. H. ſhall come to the age of four and twenty years; and if it be a woman then it muſt be (until her age of 21 years, or day of marriage, which ſhall firſt happen) according to the ſtatute in that caſe provided. By, and during all which time the ſaid I. H. the ſaid R. S. his maſter ſhall faithfully and obediently ſerve, and in all things behave himſelf honeſtly and orderly as doth become ſuch a ſervant. And the ſaid R. S. for his part promiſſeth that he the ſaid R. S. during the ſaid time, the ſaid *I. H.* in the craft and occupation the which he uſeth, after the beſt manner he can or may, ſhall teach and inform, and to him ſhall find meat, drink, and apparrel, and all other things neceſſary and meet for an Apprentice of his condition, &c. in witneſs, &c.

Name all the Overſeers & Church wardens.

Indenture to bind a poor child Apprentice.

W. S. and I. S. Eſquires, two of the Juſtices, &c. To the Conſtables, &c. Information being given to us upon oath, that I. S. of, &c. a poor child, being by the Churchwardens and overſeers of the Poor of *Dale* in this County, and two of the Juſtices of the Peace of the County, bound Apprentice to L. M. according to the ſtatute in that caſe provided, and that he doth refuſe to take him. Theſe are

12 *Glouc. ff.*

therefore to authorize and require you to apprehend him the said L. M. and bring him before some Justice of the Peace of this County, to enter into bond, to appear at the next general Gaol delivery, or at the next Quarter Sessions, to be held for the County of *Glouc.* to answer his contempt. And in case he refuse so to do, that then ye do him carry & convey to the common Goal of the County of *Glouc.* there to remain till he shall so do. And hereof, *&c.* See more in Warrants to bring in and bind over, Chap. 22. All these Warrants in this Chap. are grounded upon 43 *Eliz.* 2.

14 *Glouc.ff.* Information being given unto us, that I. S. a poor child of W. S. of your parish of *D.* being placed an Apprentice with K. L. by the Churchwardens, Overseers of the poor, and Justices of the Peace, that the said W. S. will not suffer him to serve with his Master, but doth entice him from his service. These are therefore to require and authorize you to apprehend the said W. S. and him to carry to the common Bridewel within the Castle of *Glouc.* until he do conform to the order of the Churchwardens, and Overseers of the poor, and Justices of the peace herein. And hereof, *&c.*

CHAP. VIII.

Touching the Churchwardens.

1 *Glouc.ff.* To make Churchwardens. WE the Justices of the Peace of the County of *Glouc.* next adjoyning to the Parish of *Dale*, whose hands and seals are hereunto annexed, do allow and appoint I. S.

I. S. and O. S. of the ſame pariſh duly choſen by the ſaid pariſh, to be the Churchwardens of the ſame pariſh for this preſent year 1662. according to the Ordinance of Parliament in that caſe provided: witneſs our hands and ſeals; this, &c.

To the preſent Churchwardens of Dale *in the County of* G.

2 *Glouc. ff.*

To diſtrain for the Church.

Complaint being made to us againſt the perſons hereunder named, all of your pariſh of D. by the Churchwardens there, that the ſaid perſons undernamed do refuſe to pay the ſums of money hereunder mentioned upon them impoſed, and at their names appearing, the ſame being ſeverally aſſeſſed, and rated upon them for and towards the repaire of your Church, and other Church-duties, albeit the ſame Rate be duly made and confirmed by the Juſtices of the Peace, according to the Law in that caſe provided. Theſe are therefore to authorize and require you forthwith to demand all and every the ſaid ſums of money unpaid and in arere. And in caſe the ſame ſhall not be paid to you upon demand, that then you levy all the ſame ſums of money that ſo upon demand ſhall not be paid, and all the areres thereof, and two ſhillings ſix pence a piece more, allowed for the making of the diſtreſs, of all and every of the ſaid perſons in arere, and refuſing, or neglecting to pay the ſame, by diſtreſs and ſale of their goods, rendring to them the overplus that ſhall remaine upon the ſale thereof. And this ſhall be your warrant therefore. Given under our hands and ſeals at *Dale* in the ſaid County, &c.

W. S. and K. S. Eſquires, &c, To the preſent Church- 3 *Glouc. ff.*

To distrain for Arears of account.

Churchwardens of the parish of D. in the County of G. Information being given and Complaint and proof made to us against I. S. and L. M. both of your parish of D. and the late Churchwardens of the said parish, that they did not at the end of their office, give in their Account, and pay in the money remaining in their hands to the succeeding Churchwardens, but that there is yet remaining in their hands twenty shillings of the parish stock, which by the Law in that case provided they ought to have paid in or their successors in the same office, whereby they have forfeited to the use of the poor of your parish twenty shillings. These are therefore to authorize and require you forthwith to levy the same twenty shillings are remaining in their hands, and twenty shillings forfeiture for their offence, and two shillings six pence, allowed for the making of the distress of the goods of the said I. S. and L. M. or one of them, by distress and sale thereof, rendring to to them the overplus thereof, And for this, that you do account as for other money concerning the Church. And this shall be your warrant. Given under our hands and seals, &c.

4 Glouc. ff.

To commit for lack of distress.

W. S. and K. S. Esquires, to the Constables of the parish of D. in the County of Glouc. and every one of them. Whereas the persons undernamed of your parish have been duly rated towards the repair of your parish Church, and other Church duties, the several sums at their names appearing, and the same have been demanded of them, and a warrant sent from to distraine for the same upon their goods according to the Law in that case provided, and it hath been proved to us by the oaths of two Witnesses that there is no distress there

to

to be had of their goods, whereby to levy the ſame of them, and they do ſtill neglect to pay the ſame to the Churchwardens of your pariſh. Theſe are therefore to authorize and require you, and every of you forthwith to apprehend the ſaid perſons not paying the ſame money, and them there preſently to carry to the common gaole of your County, there to remaine without bail or maineprize, until, they have made payment of the ſaid ſummes of money, and all arears thereof. And the keeper of the ſame gaol, or his deputy to whom you are to deliver them, is hereby required to receive them, and detain them accordingly: And theſe ſhall be your warrant. *Given* under our hands and ſeals, &c.

5 Glouc. ff.

To commit them to priſon for not accounting.

W. S. and K. S. Eſquires, &c. To the Conſtables of D. in the County of G. and every of them. Complaint and proof being made to us, againſt I. S. and L. M. both of your Pariſh, the two laſt Churchwardens of your pariſh, for that they did not within four dayes of the end of their year, and after the preſent Churchwardens were named, make & yield up to their ſucceeding Churchwardens and to the Juſtices of the peace a true and perfect account of all ſums of money by them received, or rated or aſſeſſed and not received, and of all other things concerning their office, and for that they did not pay, and deliver over to their ſucceeding Churchwardens newly appointed, the money in their hands, as they ought to have done according to the law in that caſe provided, but that they did then, and ſtill do keep and detain in their hands of the Pariſh money ten pounds, the which they ought to have paid and delivered over as aforeſaid, And that the ſaid I. S. and L. M. do ſtill refuſe to account

count; These are therefore to require and authorize you forthwith to apprehend the said I. S. and L. M. and them then presently to carry to the Common Gaole of the same County, and deliver to the Gaoler or his Deputy there, hereby required to receive them there to remain without Bail or Mainprise, until they shall make a true account as aforesaid, and shall satisfie and pay so much to the present Churchwardens there as upon the said account shall be found to be remaining in their hands. And this shall be your Warrant, &c. Given under our hands and seals at D. in this County, &c.

6 Glouc. ß.

Either is sufficient.

To repair an Isle, Church or Chancell.

W. S. &c. To the Churchwardens of D. in the County of G. Complaint being made to me that the Church of D. or that the Chancell of the Church of D, or that the Isle adjoyning to the Church of D. is Ruinous, and having examined the truth hereof, and received a certificate from the Minister and some other of your Parish, testifying the same. By all which I find that the same Isle is uncovered & wanteth tiling, by which it raineth down into the same Isle. These are therefore to give you notice thereof, And I do hereby under my Hand and Seal order, and appoint you the said Churchwardens, well and sufficiently to repair the same, before the first day of October next coming, Or otherwise that I shall bind you over to the Quarter Sessions to answer your neglect herein. Given under my hand and seal, this, &c.

7 Glouc. ff.

To call in them that have Church Lands.

W. S. and K. S. two of the Justices, &c. To the &c. (as the last.) Information being given to us that J S. of your parish of D. hath & holdeth, or receiveth the rents and profits of certain Lands, heretofore

given to the uſe of your Church of D. The which rents and profits he doth detain and keep in his own hands, and not imploy to the uſe aforeſaid, as he ought to do; Theſe are to require you to warn the ſaid I. S. to be before us (ſuch a time and place) to anſwer the premiſſes, &c. Dated, &c.

If he appear and cannot deny, he is to be bound to the next ſeſſions. If he appeare not, this next warrant may be ſent.

W. S. and K. S. &c. To the Churchwardens of *Dale* in the County of G. Information having been given to us, &c (recite that part.) And the ſaid I. S. having been warned to appear before us to anſwer the premiſſes, but hath not appeared. Theſe are therefore to require you to bring the ſaid I. S. before us, or ſome, or one of us, or ſome other Juſtice of peace of this County, to be bound over to the next quarter ſeſſions, then and there to anſwer the premiſſes. Given, &c. 8 *Glouc. ff.* To bind over.

To the Conſtable of D. in the County of G.

W. S. &c. Complaint being made to me by I. S. Clark of your pariſh of D. that the perſons undernamed of your pariſh do refuſe to pay him his due fees and wages, being the ſeveral ſums at their names appearing. Theſe are therefore to require you forthwith, to warn the ſaid parties immediatly to pay the ſame, or that they appear before me, (ſuch a time and place,) to anſwer the premiſſes. Dated, &c. 9 *Glouc. ff.* For a clark.

W. S. and T. W. two of, &c. To the Churchwardens of *Dale* in the County of G. Information being given in unto us, that the Church of Newée, in the Seats, and the Tower, and Bells belonging there- 10 *Glouc. ff.*

thereunto are very much ruinous and in decay, and that of neceſſity the ſame muſt be repaired.

Theſe are therefore to authorize and require you forthwith ſufficiently to repair and amend the ſame according to the Law in that caſe provided: and for the raiſing of money to do the ſame, you are according to the power thereby given you to make ſuch rates upon the ſaid pariſh, as ſhall be neceſſary. And that you appear before us at, &c. upon Thurſday the twentieth day of July next, to give an account of your doings herein at your peril. Given under our hands and ſeals at the Caſtle of Glouc. this 21. day of June 1672.

CHAP. IX.

Of the Peace and good Behaviour.

1 *Glouc. ſſ.* For the Peace.

W. S. Eſquire, one of the Juſtices, &c. To all Conſtables and Tithingmen within the County of G. and eſpecially to the Conſtable of *Dale* in the ſame County. Forſomuch as *I.* S. of D. aforeſaid, hath taken his oath before me, that M. O. of the pariſh of D. aforeſaid hath aſſaulted and beaten the ſaid *I.* S. and further hath threatned him, (or thus only) hath taken his oath before me that M. O. of, &c. hath threatned him, in ſuch ſort that he is afraid that the ſaid M. O. will beat, wound or kill him, or do him ſome other bodily hurt, or burn his houſe. And thereupon the ſaid I. S. hath prayed ſecurity of the peace to be granted againſt the ſaid M. O. Theſe are there-

herefore to authorize and require you and every f you, that imediatly upon sight hereof you cause im the said M. O. to come, and in case of his efusal, to bring him before me, or some other ustice of the Peace of this County, to find suffi-ient sureties, as well for his personal appearance t the next General Sessions of the Peace to be hol-en for this County, as also for the keeping of the eace towards Our Soveraign Lord the King and ll his leige People, especially towards the said I. . And if he shall refuse so to do, that you carry im to the common Gaole of the County of Glou-est. and deliver him to the keeper thereof, who hereby commanded him to receive, & keep him risoner until he become bound as aforesaid. And ereof fail not, &c.

Some say that this warrant may be granted a-ainst any man that hath broken the Peace, but I annot consent to it, unless the Peace be broken n the presence of a Justice of Peace. But upon oath is grantable always.

W.S. &c. To all &c. (as in the last.) It appear-g to me by the proofs of credible and substanti- witnesses against I. S. and M. S. both of your pa-ish of *Dale*, that they are people of ill name and me, and of very lewd Lives and Conversations, are common Barretors, or are common Ryo-rs, or common breakers of the Peace, or com-on Ale-house-haunters, or common Drunkards, common Swearers, or Common Wood-stea-rs, or do keep a common Stewes or Bawdy-house common Hedg-breakers, or common Tale-arers, or common Slanderers, or common ibellers, or common Whoremongers, or common hores, or common Sowers of discord and makers strife amongst their neighbours, or common night-

2 *Glouc. ss.*

For ỹ good Behaviour.

Any one of these is sufficient.

Night-walkers, or common Cheaters, or commo
Companions of Thieves, or common Messenger
for Thieves, or common Pilferers, or commonl
suspect for Thieves, or do commonly practic
Poysoning, or common Evesdropers, or common
Night-walkers, or are commonly suspected of In-
continency, and common harbourers and entertain-
ners of whores, rogues or thieves, or common rob-
bers or orchards, or have sold ale, or beer without
license, and contrary to the command of the Justi-
ces of the Peace, or are idle persons wandring up and
down, fare well, and spend much in ale-houses, and
having no known and visible estate to maintain it,
or that I. S. hath begotten a bastard-child on the
body of the said M. and that the same is like to
be chargeable to the parish of *Dale*, or that he hath
his hand in the sending away of L. M. the reputed
father of a bastard child, there left to the charge
of your Parish. These are therefore to authorise
and require you and every one of you, forthwith to
cause to come, and in case of refusal to appre-
hend and arrest the said I. S. and M. and them to
bring before me, or some other Justice of the Peace
of this County, to the end that they may find
sufficient sureties for their appearance at the
next general sessions of the Peace, to be held for
the County of Glouc. and in the mean time to be
of good behaviour towards Our Soveraign Lord the
King, and all his leige People. And if they
shall refuse to do the same, that then you cer-
ry, &c. as in the last, to the end. And here-
of, &c.

An other of the same.

W. S. &c. To &c. These are to require you that
immediatly upon sight hereof you cause to come
or bring before me I. S. of, &c. to answer to such
mat-

matters as on the behalf of our Sovereign Lord the King, shall be objected against him by the complaint of M. M. and also that you require him to bring sureties with him for his good abearing till the next generall Sessions of the Peace, to be held for the County of *Glouc.* And hereof, *&c.*

W. S. Esquire, *&c.* To the Constable of, *&c.* Whereas it is proved before me, that M. S. of, *&c.* single woman, is with childe of a bastard Childe, and that I. S. is the reputed father of it. These are therefore to authorize and require you and every of you, that presently upon the receipt hereof you cause to come, or bring the said I. S. and M. S. before me, or some other Justice of Peace of this County, to find sufficient sureties, aswel for their appearance, &c. (as in the last) and hereof, *&c.*

4 Glouc. ss. For the reputed father of a Bastard Child.

W. S. *&c.* To, *&c.* It appearing to me by the Records of the Sessions of the Peace for this County, that I. S. of your Parish of D. stands indicted here for selling Ale and Beer, contrary to the command of the Justices of the peace. And that he hath not as yet appeared nor pleaded to the same Indictment, and that the same is still depending and in force against the said I. S. These are therefore (as in the last.) And hereof, *&c.*

5 Glouc. ss. Against one indicted.

And thus may any Justice of Peace doe upon any Indictment for such an offence as for which a man doth deserve to be bound to the good Behaviour, as for incontinency, common swearing, common drunkennesse, and the like.

W. S. *&c.* To, *&c.* I. S. of your Parish of D. being duly convicted before me, of such matters of misbehaviour, as for which he ought to be bound with sureties for his good behaviour. These are therefore, *&c.* as in the rest.

6 Glouc. ss. Another very short, for the good Behaviour.

This last Warrant may serve in any case, or
any cause whatsoever, for which a man is to
bound to the good Behaviour, unless it be whe
the offender is to be bound for a limited tim
only. And then the Warrant may say, *I. S.* bein
convict before me of such an offence, for which h
is to be bound to the good Behaviour 7 yea
These are, *&c.* as in the rest; but say, To b
bound with sureties, *&c.* for 7 years, *&c.* An
hereof, *&c.*

CHAP. X.

About Witnesses.

Glouc. ff. To call Witnesses.

W. S. *&c.* To the Constable of *Dale.* Yo
are hereby required forthwith to warn
S. of your Parish to come before me on Monda
by 9 a clock in the morning to testifie his know
ledge on the behalf of our Sovereign Lord th
King. And not to fail, *&c.*

Another of the same.

You whose names are subscribed, are hereb
required to appear before me, *&c.* to give in ev
dence on the behalf of His Majesty. And not t
fail, *&c.*

To the Constable of Dale.

Forasmuch as I. S. of your town yeoman is thoug
to be a fit and necessary witness to be examined o
the behalf of our Sovereign Lord the King, Thes
are to command you that you do forthwith war
him personally to appear before the Justices of th
Peace at the next Sessions of the Peace to be hol
den for this County, then and there to testifie hi
knowledge on the behalf of his said Majesty, to an
upon such matters as he shall be then and ther
examined of. And hereof, *&c.*

Or thus.

CHAP.

CHAP. XI.

For Watch and Ward.

W. S. and I. S. two of the Justices, &c. To the high Constable of the hundred of W. and all the petit Constables within the same hundred. Information being given to us, that very many suspitious persons do wander about the country without controlment or question; for the preventing therefore of this in time to come, it is by us ordered, and you are hereby all of you straightly charged to look to your Offices herein, and to see that you keep a careful and strong watch by night, and ward by day from Sun to Sun, in all the Parishes and places within your hundred, by able and well armed men, and to charge them that they do pose all men, and arrest vagrants and persons that are suspitious, and bring them to a Office of Peace to be examined, and dealt with according to the Law. And all persons whatsoever are by us hereby commanded to be aiding, assisting, and obedient to you herein, under pain of contempt. And you the said Officers are to present to us the default of the refusers and them that are otherwise. And you the said high Constables are to give notice thereof, and a strict charge herein to your petit Constables, as you will answer the contrary. Given under our hands, 1 *Glouc. ff.*

it being proved to me by I. K. of the parish of that the first of May, &c. he the said I. K. being

then the Constable of *Dale* commanded I. S. aforesaid, to keep Watch with the Inhabitants the Town of *Dale*, from Sun setting of that day Sun rising of the next day, but he refused and nied so to do, and made default therein, by wh the Watch at that time was not kept, *&c.* Th are, *&c.* To bind him to the good Behaviour.

CHAP. XII.

Of Ale-houses, Ale house-keepers, Drunkards, &c.

To all Officers whatsoever:

1 *Glouc. ff.* A license to keep an Alehouse.

WE the Justices of Peace and *Quorum* for County of Glouc. do license and authorize I. S. of *Dale* in the said County to keep common Alehouse or Tippling-house, and to common selling of Ale and Beer, or Cyder in said Town of D. according to the form of the Statute in that case provided, under the Orders Articles hereunto subscribed, for one year next after the date hereof. Witness our hands seals, *&c.*

This is grounded upon 5 and 6 of Ed. 6. 25.

Orders to be observed by all the Inne-keepers Alehouse keepers.

1. That they suffer no persons to be tippling their houses against the Laws herein provided.

2. That they suffer not any persons to play unlawful games in their houses.

3. Th

3. That they ſuffer none but ſuch as have neceſſary occaſion to be or remain drinking in their houſes on the Lords day.

4. That they ſuffer none to be drinking there unſeaſonable times of the night.

5. That they ſuffer none other diſorder or miſrule in their houſes.

W. S. and K. S. two of, &c. To the Conſtables of *Dale* within the County of G. Whereas we are informed that I. S. of your town Ale-houſe-keeper, a man himſelf of evil behaviour, and doth alſo ſuffer ill rule and diſorder in his houſe, contrary to the Lawes in that caſe provided. Theſe are therefore to require you forthwith to repair to the houſe of the ſaid I. S. and to charge him from us, and in our names to ſurceaſe from common ſelling of Ale and Beer, at his peril. Given, &c.

2 *Glouc. ſſ.*

To ſupreſs an ale-houſe.

W. S. and K. S. &c. To the Conſtables of D. in the County of G. and every of them, whereas one of D. in the ſaid County hath of his own authority taken upon him to keep a common Ale-houſe in D. aforeſaid, and ſtill continueth ſo to do, contrary to the ſtat. in that caſe provided, albeit he hath been duly diſcharged and forbidden ſo to do by the Juſtices of the peace of the County. We therefore do hereby command you that you do him apprehend and convey him to the common Gaole of this County, and him deliver to the keeper thereof, who is hereby charged to receive him at the hands of the ſaid Conſtables hands, and him ſafely to keep for 3 dayes, and afterwards till he become bound with good ſureties before ſome Juſtices of the peace of this County, that he ſhall not keep any common Ale-houſe or Tipling-houſe any

3 *Glouc. ß.*

To commit an ale houſe keeper for ſelling without licenſe.

Upon 5. and 6. Ed. 6. 25.

more, according to the ſtatute in that caſe provided. And hereof, &c.

Obſervations upon this Warrant.

We find this Preſident amongſt their printed warrants, but do not find a good ground for it. Nor can we ſee how the Juſtices may ſafely make it, for we know not how the offender may be convict upon 5. and 6. of Ed. 6 but by indictment. But if the ale-houſe-keeper ſell after he is diſcharged, this is contempt. And then we conceive upon proof of this, any Juſtice of peace may ſend for him, and bind him to the good Behaviour, and to appear at ſeſſions, and if he cannot put in ſureties, may ſend him to Gaol. And by this way Ale-houſe-keepers may be made to give over their ſelling of Ale. Or may proceed againſt him upon the Stat. of 3 Car. 3. by the warrant that comes after here. Numb. 10.

4 Glouc. ß.

Againſt the ale-houſe-keeper for ſuffering tipling, and the tipler for tipling.

Grounded upon 1 Jac. ß.

W. S. Eſquire, &c. To the Conſtables of *Dale* in the County of G and every of them; Or it may be directed to the Churchwardens of *Dale* in the County of G. for ſmuch as it hath been duly proved before me, that the perſons hereunder-named, inhabitants within your pariſh of D. upon the firſt day of May laſt, were and did continue drinking and tipling in the houſe of G. W. an Inn-keeper, or an Ale-houſe-keeper within your ſaid pariſh, and that the ſaid G. W. did then ſuffer it, contrary to the ſtatutes in that caſe provided. By which the ſaid perſons undernamed have forfeit each of them three ſhillings 4. *d.* a piece, and the ſaid Inn-keeper hath forfeit ten ſhillings, to th cuſe of the poor of your pariſh. You are there-

for

fore hereby required to take notice thereof, and according to the duty of your place forthwith to levy of the goods of the ſaid G. W to the uſe of the poor of your pariſh ten ſhillings, by diſtreſs, apriſement, and ſale thereof, according to the ſtatute, rendring to him the overplus. And likewiſe to levy by diſtreſs and ſale of the goods of every of the ſaid perſons undernamed three ſhillings 4. *d.* a piece, in caſe the ſame perſons ſhall refuſe to neglect to pay the ſame three ſhillings 4. d. to the Churchwardens of the pariſh within one week after the demand thereof, rendring back the overplus. And in caſe the ſaid laſt offenders, or any of them be unable to pay the ſame forfeiture, that then you put the ſame perſon ſo unable in the ſtocks, there to remain the ſpace of four houres. And you are further to give notice to the ſaid G. W. that he is by this offence diſabled to keep any common Alehouſe, by the ſpace of three years next following. And hereof, &c. A.B.C.D.E.F.G.H.

This offence of tipling muſt be puniſhed within ſix months, and therefore the warrant ſhall do well to expreſs the offence to have been done within ſix months.

W. S. &c. To, &c (as in the laſt.) It being duly proved before me, that I. S. of, &c. an Inn-keeper, or Victualler, or Ale-houſe-keeper, or Tavernet, or one that doth ſell wine in his houſe, did upon the firſt day of May laſt paſt, in his houſe there, being an Ale-houſe, or Inn, or Tavern, (as the caſe is) permit and ſuffer divers unknown perſons to be and remain tipling, contrary to the Act of Parliament in that caſe provided, by which he hath forfeited ten ſhillings, &c. (as in the laſt.) And hereof, &c. 5 *Glouc. ſſ.*

Another.

Either of them will ſerve.

Grounded upon 1 Car. 4 & 1 Jac. 9

6 Glouc. ß.

For not keeping the assize.

Grounded upon 1 Jac. 9

W. S. &c. To the Constables of D. in the County of G. and every of them, (or it may be to the Churchwardens.) Whereas I. S. an Alehouse keeper or an Inn-keeper of your parish of *Dale*, hath been lawfully convicted before me for selling Ale and Beer by unlawful measures, and less than a quart of the best for a peny, within three months now last past, at D. aforesaid, contrary to the Statute in that case provided, whereby he hath forfeited twenty shillings to the use of the poor of your parish. You are therefore hereby required to take notice thereof, and according to the duty of your place forthwith to levy of the goods of the said I. S. by distress, appraisement and sale thereof, according to the statute in that case provided, to the use of the poor poor, the same summe of twenty shillings. And you are hereby required to give notice to the said I. S. that he is disabled for three years next coming, to keep any such common Ale-house again.

7 Glouc. ß.

Another. Upon 1 Jac.

W. S. &c. To, &c. (as in the last.) Every of the persons hereunder named being lawfully convicted before me, for selling Ale and Beer, the first day of May last, at the places of their several abodes hereunder mentioned, contrary to the statute in that case provided. These are to require you to levy by distress and sale of the goods of every of the said persons so named the summe of twenty shillings. And if they shall refuse to pay the said summe, you are to detaine the said goods so distrained six days, and then for default of satisfaction to prize, and sell the same, rendring the overplus; which several forfeitures shall be by you imployed to the use of the poor of your parish. And if any of them refuse to pay their seve-

ſeveral forfeitures, and that you find not a ſufficient diſtreſs, wherein to levy the ſame, That then you the Conſtables, or one of you commit every ſuch offender to the ſtocks there to remain by the ſpace of four houres. And hereof, &c.

Obſervations upon theſe four warrants.

In caſe of ſelling leſs than meaſure and tipling, we conceive the Juſtice cannot command the Officer, for the Statutes do not give him power to make any warrant. But the Officer is *ex officio* of his own power to do it. Therefore this laſt warrant, however we find him in print, yet we cannot juſtifie him eſpecially the laſt branch, of putting the Ale-houſe-keeper in the ſtocks; for we do not find it warranted by any Law. My advice to the Juſtices of peace therefore is, that they do not uſe him.

W. S. &c. To the Conſtables of D. and every of them, I.S. of your pariſh of *Dale* being lawfully convicted before, for being drunk the firſt day of May laſt, at *Dale*, aforeſaid, contrary to the ſtatute in that caſe provided, this being the firſt offence, for which he is to forfeit five ſhillings, or to be put in the ſtocks ſix houres. Theſe are therefore to authorize and require you, and every of you, forthwith to demand the ſame five ſhillings, of him and in caſe he pay it not to the Churchwardens of your pariſh within one week after demand, that then you levy the ſame by way of diſtreſs and ſale of his goods, giving back the overplus. And in caſe he be not able to pay the ſame, that then you put and keep him in the ſtocks by the ſpace of ſix houres. And hereof, &c. W.S.

8 *Glouc. ſſ.*

For drunkards upon 5 Jac. 5.

9 *Geor.* ff. Another.

W. S. &c. To the Conſtables, &c. It appearing to me by mine own view, that I. S. of your Town was on Wedneſday laſt drunk, contrary to &c. By which, &c. (as in the laſt.) Theſe are, &c. (as in the laſt.)

This offence alſo muſt be puniſhed within ſix months after it is done, and therefore the warrant is to ſay when it is done.

10 *Geor.* ff. For ſelling ale without licenſe upon 3 Car. 3.

The firſt offence.

W. S. &c. To the Conſtables of *Dale* in the County of G. or it may be the Churchwardens of D. The perſons undernamed all of them of your pariſh, being lawfully convicted before me for an obſtinate keeping, and maintaining of a common Ale-houſe or Tipling houſe the firſt of May laſt, in the places there mentioned, without lawful licenſe, againſt the Laws in that caſe provided, for which each of them are to pay twenty ſhillings a piece to the uſe of the Poor of your pariſh, or be openly whipped. Theſe are therefore to authorize and require you forthwith to levy the ſame of each of them by diſtreſs, apriſement, and (after three days the money not paid,) by ſale of their goods reſpectively, giving back the overplus. And in caſe of lack of diſtreſs, or not payment thereof within ſix days, now the next following, that then you ſee them openly whipped for the ſame. And the money by you received, you are to ſee it be imployed to the uſe of the poor of your pariſh. And hereof, &c.

I. S. of M. for keeping an Ale-houſe in M. in this County.

L. M. of K. for keeping an Ale-houſe in K. in this County.

N. O. of S. for keeping an Ale-houſe in S. in this County.

To

To the Conſtables of Dale.

W.S. &c. Whereas I.S. of your pariſh of *Dale* hath been duly convicted before me the ſecond time for ſelling Ale and Beer without licenſe, and for keeping a common Ale-houſe and Tipling-houſe, for which 2 d offence he is to be committed to the Bridewell for one moneth, according to the Laws provided in that caſe. Theſe are therefore to require you forthwith to apprehend the ſaid I. S. and him to carry to the Bridewell within the Caſtle of Glouc. to the Governour thereof, who is hereby commanded to receive him, and there to keep him, by the ſpace of one moneth, and to deal with him as an idle lewd and diſorderly perſon. And this ſhall be your warrant. Dated, &c.

11 *Glouc. ſ.* For ſelling ale without licenſe the ſecond time.

Grounded upon 3 Car. 1.

So by this the warrant may be made upon the third Conviction to commit him to the houſe of Correction, there to remain till by order of the Juſtices in their general quarter ſeſſions to be from thence delivered.

No warrant can be made (as it ſeems) by a Juſtice againſt the officer that doth neglect, or refuſe to levy the twenty ſhillings upon the Ale-houſe-keeper for ſelling without licence, to commit him, or force him to pay the forty ſhillings upon 3 Car. 3. For there can be no conviction of him, & therefore no puniſhing of him thus, but by way of Indictment. So the officer upon 1 Jac. 9. that ſhall not execute his office againſt Ale-houſe-keepers, for ſuffering tipling, or ſelling leſs than meaſure, or others for tipling. And the Officers that ſhall upon 4 Jac. 5. neglect to execute their offices againſt drunkards, cannot be puniſhed upon the

the Justices warrant, because the Justice is not to command, but the Officer in the first case *ex officio* to do execution, and because the Justice cannot convict by witnesses. And yet it seemes reasonable, that upon 1 Jac. for lack of certificate of want of distress, that the Justice should send his warrant for that which is in his own knowledg. But if any Justice in these and such like cases will adventure to send his warrant, he must be sure that there is such a neglect. And then if he will adventure we conceive his warrant must be after this form.

12 *Glouc. ff.* W. S. &c. To I. S. and W. S. of *D.* in the County of G. Whereas W. S. of your parish, Alehouse-keeper, was duly convict before me for selling less than one full quart of his Ale for one peny, and of the small less than two quarts for 1 peny: and I did thereupon send my warrant to the Constable of your parish I. S. being then the Constable there, to give him notice thereof, and to call upon him to do his duty in levying the sum of 20. *s.* forfeited by him for his said offence, by way of distress to be taken of the goods of the said W. S. and that the same being detained six days, and no satisfaction made to him, that then he did presently aprise, and sell the same goods, and render the overplus, according to the power to him given by the Acts of Parliament in that case provided. But the said I. S. hath not levyed the same money, as is said, nor hath certified to me any lack of distress, albeit my said warrant was sent to him more than twenty days since, by which the said Constable hath forfeited forty shillings, to the use of the Poor of your parish. These are therefore to require you the said I. S. & W. S. forthwith to levy the same 40 shillings of the goods of the said I. S.

the

the then Constable in this wise, viz. to take and detain his goods by way of distress for six dayes, within which time if he pay you not, that then you presently appraise and sell the same, rendring to him the overplus. And if no distress can be had, that then you carry the said *I. S.* to the common Gaol of the County, there to remain until he shall pay the same. And hereof, &c.

CHAP. XIII.

Masters, Servants, Labourers, Apprentices,

WE have seen divers Presidents of warrants by one Justice of peace to apprehend a fugitive servant, and one that refuseth to serve, and carry him to Gaol, unless he put in security to serve his Master, &c. We shall not give you any President hereof, because we understand not upon what Law it is grounded. But some of those we conceive may be warranted upon the Laws in force, we have hereafter set down. For placing of the Poor Apprentices; *See in Poor.*

To the Constables of D. *in the County of* G.

W. S. and K. S. two of the Justices, &c. Information being given to us, that *I. S.* of your Town of *Dale*, is a person of an able body, and hath no. thing whereby to live that can be seen but her work, and liveth by working at her own hands, and

1 *Glouc. ff.* To command one that works at her own hands to go to service,

and refuseth to go to service: you are hereby required forthwith to give her notice, that she is before Michaelmas next to put her self into service, according to the Statute in that case provided. And she is hereby required to conform her self hereunto at her perill. Given, &c.

All these warrants are grounded upon 5. El.

To the Constable of D. *in the County of* G.

2 *Glouc. ss.*

Whereas upon Information given unto us, that I. S. of your parish of *Dale*, a person of able body, not having any visible means whereby to maintain her self but her labour, did refuse to go to service, and did live by work at their own hands. We did thereupon order her to put her self in service before Michaelmas last, the which she had not done, in contempt of authority. These are therefore to require you to take her the said I. S. and to convey her to Bridewell in Glouc. and there to remain, until she be from thence delivered by order of Law. Given, &c.

To punish for disobedience to the last warrant.

Observations on this warrant.

It seems to me a safer way in this case, to bind her to the good behaviour for his contempt, for there is no way of Conviction of this contempt. Given, &c.

There are divers offences in servants, Apprentices, and Labourers, and some in Masters, punishable by the Law of 5 El. But because the Law is doubtful in the sense of it, in relation to these things, it seems to speak that they are only punishable at a Sessions of the peace, therefore we give you no

no Presidents of warrants for a Justice of peace out of sessions. In all differences between Master and Servants we think it best for the Justice to warn the parties only to be before him, and see if he can end the matter between them after this manner.

To the Constables of D. *in the County of* G.

3 *Glouc. ff.* Against a Master of Wages.

I. S. of, &c. Having made his complaint to me that he being hired by I. D. of your parish; also he hath turned him away within his time, and refuseth to pay him his wages for the time he hath served him. These are therefore to require you, to warn the said I. D. to be before me (such a day) to answer the premisses, and to warn the said I. S. to be then there also to make good his complaint, &c.

To the Constables of D. *in the County of* G.

4 *Glouc. ff.* Against a servant that departeth being an Apprentice.

I. D. having complained to me that I. L. being his hired servant for one year to be ended at Michaelmas next, hath wilfully departed out of his service within the time, contrary to the Laws in that case provided. These are (as in the other) changing the things to be changed.

To the, &c. as in the last.

5 *Glouc. ff.* Against a master that doth abuse his servant Apprentice.

W. S. &c. Complaint being made to me by *I. S.* an Apprentice, against I. D. his Master, both of your parish of *Dale* in this County. That the said I. D. doth not allow to his said servant competent meat, drink and apparrel, or doth immoderately

tatly correct him, and without any cause at all, (
refuseth to receive and to keep him) as the case i
These are to require you to warn both the sam
parties to be before me at W. (such a day) to the en
that I may then examine the same matter, and en
it, if I can, &c. Given under my hand, &c.

To the, &c. as in the last.

8 Glouc. ff.

Against a servant.

W S. &c. Complaint being made to me by I.
D. a Master, against I. S. his Apprentice, both o
your parish of *Dale* in this County, that the sai
I. S. is a disobedient and stubborn servant, and do
very much miscarry himself towards his said Ma
ster, or that the said I. S. hath departed out of h
service. These are to require you, &c. (as in the
last.) Given, &c.

7 Glouc. ff.

Discharge of an apprentice.

W. S I. H. L. M. N. O. four of the Justices
&c. Complaint having been made to us by I. S. a
Apprentice, against I. K. his Master, both of your
parish of *Dale* within this County; That the said
I. K. his Master hath not allowed to his said servan
competent diet and apparrel befitting such Appren-
tice, and hath sometimes corrected him without
any just cause at all, and when he has cause, cor-
rected him above measure, and we having called
the same parties before us, and examined the Com-
plaint find it to be true. And therefore we do think
fit to discharge the said Apprentice of his Appren-
tice-ship. And therefore do by these presents under
our hands and seal, pronounce and declare that we
have for the causes aforesaid, discharged the said
I. S. the Apprentice of his Apprenticehood, the
first day of May, 1672.

All these are grounded on Statute 5 El. 4.

CHAP.

CHAP. XIV.

Concerning Tythes.

W. S. &c. To the Conſtable of D. Whereas complaint hath been made to us by I. H. Miniſter of your Pariſh of *Dale*, by I. H. Tenant of the impropriate Rectory your pariſh of *Dale*,) That the perſons undermed do refuſe to pay him, and withhold from im ſuch Tithes and Dues as of right belong unhim, contrary to the Laws in that caſe provi-. Theſe are to require you forthwith to warn ſaid perſons, and every of them, that either y do forthwith ſatisfie him for the ſame, or elſe t they appear before us at, &c. upon, &c. to ſwer the premiſſes. And all the ſaid perſons are eby required and ſummoned to appear before us, time and place aforeſaid. And hereof, &c. *Glouc. ff.* 1. Warrant of Sumons.

W. S. and I. S. &c. To the Conſtable of, &c. hereas, (as in the laſt, unto theſe are) and we e once ſummoned the ſaid perſons to appear ore us, and the ſaid I. H. hath made default, not appeared before us. Theſe are therefore to quire you the ſecond time to warn, &c. (as in laſt.) And hereof, &c. *Glouc. ff.* 2. Warrant.

W. S. and, &c. To, &c. And whereas (as in laſt,) And we have twice ſummoned the perſons, &c. and the ſaid I. S. hath made default and not appeared before us. Theſe are therefore require you the 3d time to warn, &c. (as in the .) With this addition, or otherwiſe, we ſhall *Glouc. ff.* 3. Warrant.

proceed to hear and determine the same matter i
your absence. And hereof, &c.

Glouc. ff. W. S. and I. S. &c. Whereas upon complaint t
Judgement, us made by I. H. Minister of D. that the person
undernamed do refuse to pay, and withold from
him his Tithes, and dues of right belonging t
him. We have called the same persons before us
and heard the parties and their proofs on both sides
and do now under our hands and seals hereb
order and adjudge, that all the said persons shal
pay to the said I. H. the summes of money, for da
mages and costs at their names appearing respe
ctively, whereof they are to take notice at thei
peril. Given under, &c. our hands and seal
&c.

Glouc. ff. Whereas, &c. Whereas (as in the last) t
these words, (Their proofs on both sides) and w
have ordered and adjudged the same matters, an
ordered I. S. of, &c. to pay to the said I. H. twent
shillings, &c. and so set down all the rest. An
complaint hath been made to us, that the said par
ties, albeit they have had notice of the same judge
ment and order more than thirty days since, ye
have not paid the said money. These are there
fore to authorize and command you the said I. H
to levy the same summes of money by distress, an
sale of the goods of every of the said parties respe
ctively, rendring to every one of them the overplu
of their goods so sold. And these shall be you
warrant therefore. Given, &c. our hands and seal
&c.

We make no warrant nor order for commit
ment in case of lack of distress, for there is no wa
set down how the Justice may examine th
want of distress, and therefore we judge i
po

not safe to make any such Warrant.

CHAP. XV.

Touching Swearing.

W. S. *&c.* To the Constable of *Dale* in the County of Glouc. It being duly proved before me that J. S. of your Parish of D. Husbandman, did within three moneths now last past in D. aforesaid, profanely swear one Oath; or profanely Curse. Or it may be thus. I. S. of your Parish of *Dale* Husbandman, being lawfully convict before me for the profane swearing of one Oath, contrary to the Statute in that case provided, whereby he hath forfeited to the use of the poor of your Parish three shillings 4 *d.* to be levied of his Goods by the Constables there. And for lack of distress he is to be set in the Stocks three hours. These are therefore to authorize and to require you forthwith to levy the same of his goods and chattels (if he have any) by distress and sale thereof, rendring to him the overplus, & in case no sufficient distress can be there found, and he be above twelve years, and do not give security for the payment of the same three shillings 4 *d.* according to the Statute, that then you set the said I. S. in the stocks for the space of three hours. And the money so by you received, that you do forthwith pay over to the Overseers of the poor of your Parish, according to Law. And hereof, *&c.*

1 *Glouc. ff.* For Swearing or cursing, Either is sufficient.

If it be a Gentleman, Esquire, or Knight that

doth ſwear, the Warrant muſt call him ſo, as being proved, *&c.* that I. S. Knight, *&c.* and the the ſummons muſt be accordingly as the Act doth appoint. And if it be the ſecond, third, fourth, fifth, ſixth, ſeventh, eighth or ninth offence, the warrant muſt ſay ſo, thus, I. S. *&c.* being duly convicted before, for the profane ſwearing of one Oath the third time, by which third offence he hath forfeited, *&c.*

Glouc. ß. Againſt a Child or Servant for Swearing

W. S. To the Conſtable, *&c.* It being duly proved before me that I. S. of your Pariſh, being under the age of twelve years, hath within three moneths, *&c.* (as in the laſt,) for which except he forthwith do pay three ſhillings 4 d. to the uſe of the poor of your pariſh, he is to be whipped. These are therfore to require you forthwith to demand of him the ſame three ſhillings 4 d. and in caſe he do not pay it to you upon demand, that then in caſe his father (if it be a child,) or his Maſter (if he be a ſervant) do not forthwith whip him in your preſence, that then you your ſelf do whip him, or cauſe him to be whipped, according to the Act of Parliament in that caſe provided. And hereof, *&c.*

Glouc. ff. To bring a ſwearer before a Juſtice

W. S. to the Conſtables of *Dale*, and to I. S. and W. K. and every of them. It being proved before me, that I. D. &c. (as in the firſt Warrant.) These are to require you to apprehend the body of the ſaid I. D. and him to bring before me, to the end he may be proceeded againſt for the ſame, as Juſtice ſhall appertain. And hereof, &c.

Obſervations upon this warrant.

This ſeemeth to be the ſharpeſt way of puniſh-

ment

ment. And this being warrantable, we adviſe and perſwade all Juſtices of the Peace hereunto, to ſend this Warrant for the offendor before him, and then charge him with the offence, and give him good Counſel, *&c.* and whether he confeſs or not, being convicted before, the Juſtice may give the ex Warrant to levie the forfeiture.

A ſhort Preſident to be made in haſte to levy the forfeiture.

To the Conſtable of Dale, &c.

Glouc. ß. These are to require you to levie of the goods of S. of *Dale* aforeſaid, Labourer, by diſtreſs and ſale thereof, giving back the overplus to him, the ſum of three ſhillings 4 d. by him forfeited for uttering of one profane Oath within 3 moneths laſt paſt. And in caſe no diſtreſs can be found, then, *&c.* (as in the other.) And by this you may make other Warrants ſhorter.

CHAP. XVI.

Of Rates.

Glouc. ff. To have contribution for a ſum charged upon a hundred for a Robbery.

W. S. and *L. S.* two of the Juſtices, *&c.* To the high Conſtable of the hundred of W. in the county of *G.* and to all the petit Conſtables, and tithingmen of the ſeveral Pariſhes and tythings within the ſaid hundred. Whereas one I.S. was late robbed of an hundred pound, within the ſaid

This is upon 27 Eliz. Chap. 13.

hundred of W. and hath thereupon ſued the ſame hundred of W. and had a judgement to recover an hundred pound againſt it, the which hath been levied of, and charged upon I. S. and L.S. two of the inhabitants of D. within the ſaid hundred. And upon their complaint to us hereof, we have according to the Act of Parliament in that caſe provided for the raiſing of the ſame money, ſet a rate upon the Pariſhes, and places within the ſaid hundred, which rate is hereunto ſubſcribed and annexed. Theſe are therefore to require you the ſaid high Conſtable, to give notice thereof to the petit Conſtables, and Tythingmen of your hundred. And thereupon all the ſaid petit Conſtables and Tythingmen are required forthwith equally to diſtribute and ſet the ſame rate upon the Inhabitants of their Pariſhes and Tythings reſpectively, according to the rule of rating for their poor. And the ſame being rated, that they do demand it, and in caſe of non-payment, levy it by diſtreſs and ſale of goods upon every of the inhabitants, not paying it reſpectively. And having levied and received the ſame that they do forthwith bring and pay it in to us or one of us, to the end that the ſame may be paid over to the ſaid I. S. and L. S. And that you do within fourteen dayes next following, give unto one of us an account of your execution of this Warrant at your peril. Given, &c.

The rate above-mentioned in this Warrant, to be annexed thereunto.

Then let the rate be affixed and ſee that it be handſomely done, with an apt title above it, after this manner.

A Rate made by I. S. and W. S. Esquires, two of the Justices of the Peace, *&c.* for the raising of an hundred pound, upon the hundred of W. charged upon it, and levied upon I. S. and L. S. two of the inhabitants upon a Judgment had, by one I. S. against the hundred after a robbery.

The Parish of *Dale*.

I. S. six *d.*
I. L. six *d.*

W. S. Esquire, *&c.* one of, *&c.* To the Constable of *D.* in the County of G. A rate being made by you the Constable and the Churchwardens of your Parish of *Dale*, and two of the inhabitants there, the which rate is annexed and subscribed for the raising of money of your Parish, for the carrying of certain offendors within the Parish to Gaol, that had not ability in goods or chattels to defray their own charge, and the which you the said Constable have laid out of your own purse. And this rate having been duly allowed by a Justice of Peace under his hand, according to the Statute in that case provided; These are to require and authorize you the said Constable to demand the same, and in case of not payment, to levy it by distress and sale of goods, the same goods having been first aprized by four of the Parishioners, upon every of the persons, not paying the same upon demand. And the same money, when you have received you may keep, and retain to satisfie your self for your disbursment aforesaid. And these shall be your warrant for the same. Given, *&c.*

2 *Glouc. ff.* To carry a prisoner to Gaol.

This is upon 3 Jac Chap. 10.

A rate made by the Constables, Churchwardens and two of the Inhabitants of *Dale*, &c.

And by these other Rates (if need be) for Quarter Sessions, Payements, Bridges, and other things may be made.

As for the Rating for Poor, Churches, Highways, and in the Plague time, see it in those Titles and other places.

CHAP. XVII.

About the charge of carrying a Prisoner to Gaol.

Glouc. ß. For the sale of his own goods.

upon 3 Jac. 10.

W.S. Esquire, *&c.* To the Constable of the Parish of *Dale* in the County of *Glouc.* S. a Malefactor, being of late by me sent through your hands, to the common Gaol of this County in the convey of whom thereunto (as you have informed me, you have been necessarily inforced to lay out in charges and expence upon him, and those that guarded him thither, the summe of twenty shillings, for which ye have not as yet received satisfaction, albeit the said I.S. hath an ability of goods and chattels to make you satisfaction. These are therefore to authorize and require you forthwith to take and sell such and so much of the goods of the said I. S. within your Parish, or elsewhere in this County, as shall satisfie and pay you the same money by you laid out; but that you do be

before you ſo ſell the ſame, cauſe the ſame to be apprized by four of the inhabitants of the pariſh where the goods are. And that you keep ſo much of the money as to ſatisfie your ſelf, and deliver to the ſaid I. S. all the overplus of the money made by ſale of the ſame goods. And hereof, &c. Given under my hand and ſeale, &c.

Or it may be directed to the high Conſtable of the Hundred, thus;

Having received information that I. S. of D. being late ſent from a Juſtice of peace, by the hands of L. M. a Conſtable of D. within your hundred to the common Gaol of this County, and that in the Convey of him thither the ſame Conſtable was forced to lay out in expence upon the priſoner and thoſe that did attend and guard him, twenty ſhillings; which the ſaid I. S. did refuſe to pay at that time, and doth ſtill refuſe to pay the ſaid Conſtable, albeit he hath not ability of goods and chattels to do it. Theſe are therefore to authorize and require you forthwith to take and ſell ſuch and ſo much of the goods of the ſaid I. S. within your hundred as ſhall ſatisfie and pay the ſame Conſtable the charges ſo by him laid out. But that you do [as in the laſt.] (with this.) And the ſame twenty ſhillings ſo by you made of the ſale of the ſame goods, that you pay it over to the ſaid L. M. And this ſhall be your warrant. Given under my hand & ſeal at S. in the ſame County, &c.

CHAP.

CHAP. XVII.

Of Rogues.

To the high Conſtable of the hundred of W. in the County of Glouc. *and to all the petit Conſtables within the ſame hundred.*

1 *Glouc. ff.* For a general ſearch

W. S. and L. S. Eſquires. Two of &c. Theſe are to require you the ſaid high Conſtable and petit conſtables, that you, (taking ſufficient aſſiſtance with you) do make a general privy ſearch within all the Towns, Pariſhes and Hamlets within your hundreds, upon Monday night the firſt day of May next, at night, for the finding out, and apprehending of all Rogues, Vagabonds, and wandring, and idle perſons in, or about your ſaid Towns, Pariſhes, and Hamlets. And ſuch as you ſhall find in the ſame ſearch, that you to apprehend and bring, or cauſe to be brought before us the next day, being the ſecond day of May, to the houſe of &c. in D. to be by us dealt withal according to the ſtatute in that behalf provided. At which time and place, you are all of you further required to appear before us, and then and there to give an account upon oath in writing, & under the hands of the Miniſter of every ſeveral pariſh, within your hundred, what rogues, vagabonds wandring and diſordered perſons have been there apprehended, as well in the ſame ſearch, as alſo ſince the laſt meeting of the Juſtices of Peace, made for this purpoſe, being upon, or about the

the tenth of October last. And hereof, &c.

W. S. &c. To the Constable of *Dale* in the Coun- 2 *Glouc. ff.*
of Glouc. Forasmuch as one I. S. a wandring idle
and misorderly person, who was taken begging in Grounded
Dale in this County, and brought before me. upon 39.
These are to require you forthwith him to correct, El. 4.
and by a pass to convey, according to the statute
in that case provided. Given under my hand and
seal, &c.

W. S. and K. L. &c. To the Constable of *Dale* 3 *Glouc. ff.*
in the County of Glouc. it being duly proved be-
fore us, that I. S. the Minister of your parish of Grounded
Dale, doth not keep a Register-Book there accor- upon 39.
ding to the Law in that case provided, to record El. 4.
the correction and pass of Rogues, by which he
hath forfeited five shillings to the use of the poor,
or the Bridewells of the County at our election.
These are therefore to require you, to levy the
same five shillings of the goods of the said I. S. by
distress and sale thereof, and to pay over the same
money (so by you levyed) to the Overseers of the
poor of your parish, to be imployed to the use of
the poor of your parish. And hereof, &c. Given
under our hands and seals, &c.

To

To the high Constable of the hundred of W. in the County of Glouc.

3 *Glouc.* ſſ. W. S. and K. L. &c. It being duly proved before us againſt I. S. the Conſtable of *Dale*, that he hath been negligent in his office, in the apprehending and puniſhing of rogues, and that upon the firſt day of May now laſt paſt, he being the Conſtable there, did willingly ſuffer an unknown wandring Rogue, to paſs through his Town; and albeit he had timely notice given to him of him, and he might eaſily have apprehended him, yet he did not apprehend, correct, and paſs him, as by the Law he ought to have done, whereby he hath forfeited ten ſhillings, to the uſe of the poor of the pariſh, or to the uſe of the Bridewell of the County, at our Election. Theſe are therefore to require you to levy the ſame ten ſhillings of the goods of the ſaid I. S. by diſtreſs and ſale thereof, and to pay over the ſame money ſo by you levied, to the Overſeers of the poor of the ſaid pariſh of *Dale*, to be imployed to the uſe of the poor there. And hereof, &c. Given under our hands and ſeals, &c.

This is grounded upon 1 Jac. 7.

To the High Conſtable of the hundred of W. in the County of G.

W. S. &c. It being duly proved before us a- 5 *Glouc. ff.*
gainſt I. S. the Conſtable of *Dale*, that he hath
been negligent in his office, in the Correction and So is this.
convey of Rogues, and Vagrants, and that upon
the firſt day of May laſt paſt, one I.S. a vagrant
idle perſon, being taken begging in *Dale* aforeſaid,
and brought and offered to him to be puniſhed, he
did not correct and paſs him, as by Law he ought
to have done, but did willingly ſuffer him to eſ-
cape unpuniſhed, whereby he hath forfeited, &c.
(as in the laſt) to the uſe (as in the laſt to the end.)
Given under our hands and ſeals.

To the High Conſtable &c. (as in the laſt.)

6 Glouc. ff.

W. S. &c. It being duly proved before us againſt
I.S. Conſtable of *Dale*, that he hath been negligent Either of
in his office, in the correction and puniſhment of theſe are
rogues and vagrants. And that the firſt day of May ſufficient.
now laſt paſt, he ſent one W.K. a rogue to be con- This is
veyed to the place of his birth, by a general and grounded
illegal paſs, or that one I.K. a rogue being paſſed on 39. El. 4.
according to the Law, and tendred to him, he did
willingly refuſe to receive him, and did ſuffer him
to eſcape, or ſhift him away, or did not paſs him to
the next pariſh, according to the ſtatute in that
caſe provided, by which he hath forfeitted five
pound to the uſe of, &c. (as in the laſt.) Theſe
are (as in the laſt,) and to bind him to his good
Behaviour. Given under our hands and ſeals,
&c.

The

5 Glouc. ff. The like may be made against the Churchwardens and Overseers of the poor, for refusing to take one duly sent unto them; Thus, That whereas one I. W. a poor person was by a sessions order to be settled in your Town, and received there by the Churchwardens and Overseers of the poor there. I. S. &c. being then Overseers, and tendred to them accordingly, they wilfully refused.

To the Constable of Dale, *in the County of* G.

6 Glouc. ff. It being duly proved before us, that I. S. of your parish, the first day of May now last past, did entertain an unknown person, a vagrant begging person at his doors, and did not bring him to the Constable of the parish, as he ought to have done, but gave him an alms, by which he hath forfeit ten shillings to the use of, &c. (as in the last.) Given under our hands and seals.

Upon 1 Jac. 7.

To the Constable of Dale, *in the, &c.*

7 Glouc. ff. It being duly proved before us against I. S. of your parish that one K. L. a vagrant rogue, being apprehended, corrected, and duly sent to your parish, and delivered to the said I. S. the Constable of the said parish, the said I. S. rescue and shift him out of the Constables hands, whereby he escaped, by which the said I. S. hath forfeited, &c. (as in the last.) Given under our hands and seals.

Upon 1 Jac. 7.

To

To the Constables of Dale.

It being psoved before us against I. S. of your parish, and M. his wife, that they being able to work, do threaten to run away out of the parish, and leave their family to the parish. These are therefore to require you, that unless they shall forthwith put in sufficient sureties for the discharge of your parish, that you do forthwith apprehend the said I. S. and M. his wife, and them to carry to the common Bridewell of the County in G. there to be dealt with, and detained as sturdy and vagabond rogues, until they shall be discharged by order of Law, &c. Given under our hands and seals. 8 *Glouc. ff.*

All these eight warrants (but the 5*th.*) must be made by two of the Justices of the Peace, and one of the *Quorum*, and under their hands and seals.

W. S. &c. To the Constables of *Dale*, I. S. of your parish, having left his family on the parish, and being run away from them, and being by you brought before me for an incorrigible Rogue. These are to require you, to keep him safe, till by order of two Justices of the peace, he shall be delivered. I am not satisfied in the safe granting of this warrant, because there is no way of conviction of the offence, set down in the statute on which it is grounded. But for an incorrigible Rogue taken and brought before a Justice of peace, by a Constable, in this case I take it warrantable; Thus: 9 *Glouc. ff.* Upon 7 Jac. 4.

W. S. and T. S. To the Constable of *Dale* Forst- 10 *Glouc. ff.*

Forasmuch as I.S. of your parish, being brought by you before me for an incorrigible rogue, was by me committed to you, to be secured till by order of two Justices of peace you were delivered of him. These are now to require you, him to convey to the common Bridewell, and there to deliver him to &c. there to remain till the next Q. Sessions, and till he shall be delivered by order of Law. Given under our hands and seals.

Observations upon these warrants.

In case where any are brought as rogues, or incorrigible rogues, to a Justice of peace by an Officer, as such as will not work, or run from their families, or have a bastard child, like to charge the parish, or the like: in these cases it seems the Justices may send them to Bridewell, or to a Gaol, as the Law is. There be no ways of conviction set down by these statutes, for the Constable doth first apprehend, and he must see that he have good cause to do it. But I should choose rather to put them to find sureties for their good Behaviour, and send them to Gaol upon this account.

2 *Glout.* If. It having been duly proved before me, that I.S. late of, &c. being an idle wandring person, hath counterfeited a false Testimonial under the name of W. S. supposing him to be a Soldier, landed at Dover, and that he was allowed to travel to the place of his Birth, &c. Whereas in truth he never was a Soldier, neither did he land at Dover, nor was he allowed to travel, &c. These are, &c. to bind him to the good Behaviour: or perhaps two Justices may make a warrant, to send him to Bridewell,

well, but one Justice, may bind him to the good Behaviour.

CHAP. XIX.

Concerning the Plague.

To the Churchwardens and Overseers of of the poor of the Parish of M. N. O. within this County.

W. S. and I. S. two of the Justices, &c. Information being given to us, that the parish of *Dale* within this County is infected with the Plague, and that it hath need of relief from the *adjacent* places five miles about it, according to the Statute in that case provided. The which because we intend to provide for them, we command you and every of you to be before us upon the first day of *May* next, at the house of, &c. with your Church-Books of Rates for the poor, to the end that we may make an equal weekly Rate and Assessement for the purpose aforesaid. And hereof, *&c.* 1 *Glouc. ss.* On the same

A Weekly Rate made the first day of *May*, 1654. by W. S. and I. S. Esquires, two of, *&c.* with the assistance of the Overseers of the Poor of the Parishes, within five miles compass of the parish of *Dale*, at this time infected with the Plague, for the relief thereof during the time of the Infection, to be paid by the Inhabitants of the same Parishes weekly, according to the Act of Parliament in that case provided.

The Inhabitants of the Parish of S. to pay Weekly, as followeth:

I. S.	6 d.
W. S.	3 d.
T. S.	2 d.
N. O.	3 d.
I. M.	2 d.
K. N.	2 d.

The Inhabitants of the Parish of M. *to pay weekly as followeth:*

Si T. 6 d. *&c.*

To the Churchwardens and Overseers of the Poor of the Parish of Dale.

W. S. and I. S. *&c.* There being a Rate made which is for your Parish, the Rate subscribed to this Warrant, for the relief of the Inhabitants of the Parish of *Dale*, at the present infected with the plague, according to the Act of Parliament in that case provided. These are to authorize and require you forthwith to levie and collect the same of the persons therein named respectively, by distress and sale of their goods, rendring to them the overplus. And the same money so by you received, that you pay it over to the Overseers of the poor of the said Parish of *Dale*, and give in the same upon your account at the end of your year. Given under our hands and seals, &c. 2 *Glouc. ss.* On the same

To the Constables, Churchwardens & Overseers of the Poor of Dale, *in the County of* G.

Whereas we are credibly informed, that the Plague is in the house of I. S. of your Parish, whereof one died. And whereas we are also informed, that divers of the Inhabitants of your Pa-

riſh have reſorted to the ſaid houſe, both before and after the ſaid party was dead, and eſpecially two children in the houſe of I.P. by reaſon whereof it is feared that they are ſick, and ſo by reaſon thereof, the ſickneſs is like to encreaſe, and ſpread further in the Town, unleſs there be ſpeedy proviſion made for the preventing thereof. Theſe are to require you the ſaid Conſtables forthwith to cauſe the ſaid houſe ſo infected to be ſhut up, and that you appoint one or more warders at the door to keep them from coming forth, and others from coming at them. And if any ſhall wilfully diſobey your orders and directions herein, attempting to reſiſt their keepers and go abroad, that then you and the ſaid Wardſmen force them to keep their houſes. And if any wilfully go abroad, having the plague-ſore upon them, that you and they apprehend them for, and deal with them as with felons. And if they have no ſore, that then you bring them before ſome Juſtice of Peace, to be dealt with as Vagabonds, and to be bound with ſureties to the good Behaviour. And that you the Churchwardens and Overſeers of the poor be careful, that the parties ſhut up be ſufficiently provided for, for their preſent relief and ſuſtentation. And further, that you cauſe the ſaid J. S. and his family to keep themſelves within their own doors, and that in the mean time, he forbear to victual, or to let any come in to his houſe, till he hath further order. And of your care, diligence and proceeding herein, that you do from time to time give us account, that we may give further direction herein. And we are further to adviſe the Pariſhoners, that they be very careful not to mingle themſelves amongſt them that have

been

been in the ſame infected houſe. And of this our Advertiſement, that you give them ſpeedy notice, &c.

Oath of Searchers.

4. You ſhall ſwear that you ſhall carefully ſearch, enquire, and examine all ſuch perſons as ſhall die within this Pariſh of M. And you ſhall truly publiſh and declare, whether any ſuch perſon do die of the plague, by any ſign that ſhall appear thereof, without conniving in any manner whatſoever, to the uttermoſt of your skill and ability, or of what other Diſeaſe they ſhall die. So help you God. 4. Grounded upon 1 Jac. 31.

Oath of the Bearer.

5. You ſhall well and truly ſerve in the place of a Bearer at the viſited houſes where you ſhall be imployed and appointed; you ſhall not purloin, or carry away any goods forth of the ſaid houſes, or either of them. And you ſhall take care not to come into any company, but continually to remain in the place aſſigned to you, but at ſuch times, as you are imployed in your ſaid Office, as a Bearer; and in every other thing that belongs to that Office, you ſhall (as you ſhall be directed by the Officers) well and faithfully behave your ſelf. So help, &c. 5.

Oath of the Examiner.

6. You shall well and truly execute the office for examiners of health within your parish of *Dale*; you shall truly enquire and labour to know, from time to time, what houses within the said parish be visited with sickness, and who therein are sick, and of what diseases they are sick, and upon doubt, command restraint of access, until it shall appear what the disease is. And if you find any person sick of the plague, you shall give present order to the Constable, forthwith to shut up the house wherein he is. And if you find the Constable careless herein, you shall forthwith acquaint some Justice of peace therewith. And you shall see that the visited persons be weekly provided for, and in every other thing shall do as belongs to your Office. So help you God.

CHA

CHAP. XX.

Of making of Constables.

A Warrant for the making of a new Constable.

To our loving friend A. B. of Dale, *Yeoman.*

THese are to require you, to make your repair to us, or to some other Justice of the peace of this County, to take the Oath of a Constable, to serve within your Town of *Dale*, you being chosen, and ordered by the Leet of your Town, to undertake the same Office.

Or thus.

Whereas A. B. of your Town, the new Constable thereof, is by reason of his age and impotencie very unable, and insufficient to execute the said place. These are to require you, whose names are underwritten, to be before me at my house at W. to morrow by eight a Clock in the morning, that *I* may make choice of one of you to be sworn to undertake the same Office. And hereof *&c.*

Observations upon this Warrant.

We do not approve the making of Constables by one Justice of Peace, but in case of necessity only. When a Constable dyes, and it is too long to Quarter Sessions, or Leet, at which courts these officers are regularly to be made. The Tything man and Constable is now become all one Officer in most places, and it were well they were so sworn,

called all of them Constables, or else Constables and Tythingmen both.

CHAP. XXI.

Highways and Bridges.

FOr the form of the presentment of a Justice of Peace of a high-way in decay, upon his own view. It differs not from a presentment of a Jury, or Indictment, but only in the Title. I. S. *&c.* One of the Justices doth present upon his own view, That, &c. But this the Clerk of the peace is to draw up for the Justice.

We give you no President for the repair of Bridges by four Justices of Peace, or for the repair of *Chepstow*-Bridge, for we suppose no Justices will care to do this out of the Quarter Sessions, from which Court it is best to get these things done.

The wages appointed and set by the Justices, to be allowed to men that work at the Highways, for themselves, servants, and plows, according to the Law, as followeth.

To the labouring man for himself the dayes work, from 8 in the morning to 3 in the afternoon. } 6 d.

To the Plow-man for his plow with 4 oxen, or 3 Horses, and 2 men the same time. } 2 sh. 6 d.

And so after this rate for the rest.

W, S. J. S.

We give no Warrant to force the Surveyors to account and pay the money in their hands, or commit them, becauſe there is no way out of Seſſions to convict the Surveyor of the arear in his hand, or his refuſal to account. And therefore the Warrant not warrantable.

CHAP. XXII.

Warrants to bind over.

To the Conſtables of D. *in the County of* G.

W. S. Complaint being made, and information being given to us againſt I. S. of your pariſh of *Date*, that I. F. of the ſame pariſh, being a poor child, and his parents unable to maintain him, was by the Churchwardens and Overſeers of the poor there, and by allowance of the Juſtices of peace duly and legally placed with, and bound to the ſaid I. S. according to the Lawes in that caſe provided, and the ſaid I. S. ordered and appointed by the Juſtices to entertain him: but that he (albeit he hath had notice thereof) doth wilfully refuſe ſo to do, in contempt of Authority. Theſe are to require you forthwith to warn him, to be before us, &c. at, &c. the firſt day, &c. to anſwer the premiſſes, and to be then there your ſelf with this Warrant. Given under our hands, *&c.*

1 *Glouc. ſſ.* A warrant to bring a man in to be bound over. Maſter, and Apprentice.

If

If he come not, then make this Warrant.

To the Constable of D. *in the County of* G.

W. S. &c. Whereas complaint hath been mad to us, &c. Recite the effect of the first part of th former Warrant, And then say, And the said I. S having been duly summoned before to come be fore us, to answer the premises, hath made defau herein. These are therefore to require you, t apprehend the said I S. and him to bring befor me, or some other Justice of peace of this County to put in sureties for his appearance, at the nex general Sessions of the Peace, to be held for thi County to answer the premisses, and in case h refuse so to do, that then you him convey to th common Gaol, &c. as in other Warrants of th Peace.

To the Constrbe of D. *in the County of* G.

Complaint having been made to me against I. S. of your Town, Gent. that he in August last past, did hunt with his Spaniels in the ground of I. M. where Corn did then grow, at the time when the same Corn was cared or codded, and standing, and without the consent of the said I. M then owner of the same ground, contrary to the statute in that case, &c. By which he hath forfeit forty shillings to the said I. M. the owner of the same ground. These are to require you (as in the first.)

So

So for the next, if he come not, recite this. These are to require you to take, &c. and bring to put in ſureties to appear, and to anſwer the offence, and to pay the penalties, or receive the puniſhment by the Act appointed. And hereof, &c.

So the like may be made againſt a Maſter that miſcarries himſelf towards his Apprentice, and will not obey the Juſtices Order. And ſo againſt them that refuſe to repair Churches upon the Juſtices Order, or have Church-lands, and will not account for the profits, changing that that is to be changed.

CHAP. XXIII.

Warrants for other things.

W. S. and I S. to the Conſtables of *Dale* in the County of G. and every of them. 1 *Glouc. ff.*

For Miſdemeanor.

These are to require and authorize you, and either of you, that upon ſight hereof, or that upon Monday next by eight of the clock in the fore-noon you apprehend, and bring before me to my houſe in *Sale*, I. S. of your Town Butcher, to anſwer to ſuch matters of miſdemeanor, as on the behalf of our Sovereign Lord the King ſhall be objected againſt him. And not to fail. Given, &c. at *Sale* in the ſaid County, *&c.*

Ano-

Another.

That you attach the bodies of all and every the persons here under-named, *&c.* Or thus: That you apprehend and bring before me, or some other of the Justices of the peace of this County, the body of I. S. of, *&c.* of whom C. D. the bearer hereof will give you particular notice, to answer to such matters as on the part of the said C. D. shall be objected against him. And hereof, *&c.*

Observations upon this Warrant.

This Warrant is very common, but not much approved by learned men, nor is it discretion in a Justice to grant, but in case of some great crime, which the Justice is not willing to name in his Warrant. But if it be for the Peace or good Behaviour, or any ordinary matter, it is very harsh, not to give the party notice of it, that he may provide himself with sureties, *&c.*

2 *Glaut. ff.* For robbing Orchards, &c.

W. S. Esquire, *&c.* To the Constable of D. in the County of G. and to I. S. of D. aforesaid, labourer; and I. S. of *Dale* aforesaid, Butcher. It being duly proved before me, that I. S. of your Town labourer, hath within three moneths last past, cut, and carried away the Corn, and Hay of I. K. of your Parish, or robbed his Orchard of Apples, or cut his hedges, pales, or fences, or dig-

Either of these things are enough.

ged

ged and pulled up his fruit-trees, or cut and ſpoil-
ed his trees, and ſtanding wood in *Dale* aforeſaid,
to the value of ten ſhillings; and that I. B. of
your ſaid Town, Butcher, hath procured and abet-
ted him ſo to do, and received from him, and
bought of him divers of the ſame things, to the
great damage of the ſaid I. K. contrary to the
Act of Parliament in that caſe provided. I doe
therefore hereby require and order that the ſaid I.
B. ſhall within eight days after notice to him gi-
ven of this order, pay to the ſaid I. K. ten ſhil-
lings, and that the ſaid I. B. do within three
dayes after notice to him given of this Order,
pay to the ſaid I. K. twenty ſhillings, in recom-
pence to him, for his wrongs aforeſaid. And that
theſe payments be made in the preſence of the ſaid
Conſtable, hereby commanded upon requeſt to ſee
it done. And hereof you are forthwith to give
them notice, and if either of them ſhall not pay
the ſame, that then you give me notice thereof, to
the end they may be whipped, according to the Sta-
tute in that caſe provided. And hereof, &c. Da-
ted at *D.* &c.

This is grounded upon 43 Eliz. chap. 9.

We think it not ſafe to give a Warrant to the
Conſtable for non payment to whip: for how ſhall
the Conſtable take conuſance of it, or the offen-
der be convicted of it? But rather let the Ju-
ſtice give his Warrant at firſt, to whip him after
in manner.

W. S. &c. (as in the laſt) to thoſe words [*in that caſe provided.*] Wherefore the premiſſes conſi-
dered, and that I judge the ſaid Offenders, I. S. and
I. B. unable to make ſatisfaction for the ſaid
wrong, 3 *Glouc. ff.*

wrong, I do hereby order that they be forthwith committed to you the ſaid Conſtable of *Dale*, to be whipped, the which you are hereby required forthwith to do at your peril. Given at L. in the ſaid County, under, *&c.*

The Officer is here to be puniſhed by impriſonment for his neglect, if he do it not, But how he ſhall be convicted of the offence out of a Seſſions, and by Indictment we know not any way, and therefore offer no Preſident of Warrant for this.

6 Glouc. ſſ.

For unlawful weights and meaſures. Either of them is ſufficient. Grounded upon 16 Car. 9. The Churchward & Overſeers are to do it without Warrant.

W. S. Eſquire, &c. To the Churchwardens and Overſeers of the poor, within the Pariſh of *D.* in the County of *G.* and to every of them. I.S. of your pariſh of *D.* being lawfully convicted before me, for ſelling by unlawful weights, or unlawful meaſures, and that he the firſt day of *May* laſt at *Dale* aforeſaid, ſold a pound of Currants, by pound weight, or for ſelling a yard of Holland by a Yard, not being according to the ſtandard of the Exchequer, contrary to the Act of Parliament in that caſe provided, whereby he hath forfeited the uſe of the poor of your Pariſh five ſhillings, to be levied by the Churchwardens and Overſeers of the poor. Theſe are therefore to give you notice hereof, and that you and every of you are by your Office forthwith to levie the ſame ten ſhillings of the goods of the ſaid I.S. by diſtreſs and ſale thereof, rendring to him the overplus. And in caſe you do receive the ſame money, that you do imploy it to the uſe of your poor, and give account thereof in the end of your year accordingly. And hereof, &c.

Another.

W. S. *&c.* To, &c. I. S. &c. being lawfully convicted before me, that he (such a time and place) did keep in his house or shop a pound weight whereby he did usually buy and sell; or for keeping yard-measure, whereby he did usually buy and sell, the same not being according to the standard of the Exchequer, &c.

Either of them is sufficient.

We know no other Warrant touching this matter to be made by the Justices of the peace out of their Sessions of the peace.

7. We give no Presidents in case of Adultery, for we know none to be given in it. For where it is felony, there the Warrants are as in other felonies. And for Fornication, Bawdry and such like crimes, nothing is to be done in it, that we know, but what in other cases of the good Behaviour, the offence there appearing by information, Presentment, or Indictment. And this may be in any case where the Crimes be so high.

7. For Adultery.

8. If any man desire to put the Lawes in execution against any man, for shooting in a Gun, he may see the form of the Warrant and course of proceeding in *Dalton's* Just. of Peace. Chap. 126.

8. For shooting in Guns.

CHAP.

CHAP. XXIV.

Of Recognisances, and Bayl and Mainprise.

Recognisance, what it is.

A Recognisance is a Bond of Record, testifying that the Reognisor doth owe a certain summe of Money to the King, with condition that the Recognisor shall doe some other thing, for the which he is bound in that sum in the nature of a penalty. Wherein these things are to be known.

1. Justices of the Peace do take Recognisances for the Peace, good Behaviour, to bind men to appear at the Assizes, at the Sessions, and for many other causes. And for this any one Justice may do it. But to Bayl a prisoner for felony, take a Recognisance of an Ale-house-keeper, and do some other things, there must be two Justices to do it, and one alone cannot do it.

2. What summe the parties shall be bound in, or what sureties the Recognisor shall have to be bound with him, it is left to the discretion of the Justice or Justices, that doth take the Recognisance, in cases where the Law doth not set down the certainty, as in some cases it doth, and there they must not vary from what is prescribed in the persons bound, sum, or manner of the Recognisance.

niſance. But for the Peace and good Behaviour, appearance at the Aſſizes and Seſſions, to give evidence, and the like, the Juſtice may bind with what ſureties, and in what ſums he pleaſeth.

3. It is ſaid, that Juſtices of peace cannot bind over an offender againſt a penal Law, within their Conuſance, (not within the Commiſſion of the peace, nor committed to the power of any Juſtice of peace,) except it be in a ſpecial caſe where the Law it ſelf doth enable them to do it.

4. All ſuch Recogniſances muſt be made to the King himſelf, and to none other, and in his own name.

5. The Juſtice of Peace need not affix his Seal to the Recogniſance, but he muſt put his name to it, and then it is good enough.

BAylment or Mainpriſe (which is one kind of Recogniſance) is the ſaving or delivering of a man out of priſon, before that he hath ſatisfied the Law, by taking ſurety of him that he ſhall appear and do it. Wherein theſe things are to be known. Baylment what it is?

1. The Juſtice of peace muſt not bayl one that is not baylable by Law. And on the other ſide, he muſt bayl him that is baylable by Law, or he may be puniſhed.

2. In case of felony, there must be two Justices of peace, and they two together present with the felon to bayl him.

3. The sureties and the sum are in his discretion, but if it be in case of felony, he must see he take good sureties for the prisoners appearance and bind him in a good summe to do it, or he may be fined for his neglect herein. If any Law appoint what the sureties, and what the summe shall be that the party bayled must give, that must be pursued.

4. If the Justices shall at any time judge the sureties insufficient, they may compel the party bayled to put him in better sureties, or commit him to Gaol for lack of Bayl.

5. It is said, That if the sureties doubt the prisoner, that he will run away and not appear, that they may take him and carry him to the Justice and desire to be discharged, and that the Justice must discharge them, and that the principal is then to be committed till he put in new sureties.

The Forms of Recogniſances.

Memorandum, That the firſt day of *May*, 16[illegible]. I. S. of *D.* in the County of G. yeoman, came before me, W. S. Eſquire, one of the Juſtices of the peace of the County of G. at K. in the ſame County, and acknowledged himſelf by way of Recogniſance, to owe unto our Sovereign Lord the King and his Succeſſors, twenty pounds of lawful Engliſh money, to be levied of his lands and tenements, goods and chattels, to the uſe of His ſaid Maj. and his Succeſſors, if he fail in the Condition indorſed. 3 *Glouc. ſſ.*

If there be more than one to be bound, then it is thus: *Md.* That the firſt day of *May*, 1654. I. S. of, *&c.* C. D. of, *&c.* and E. F. of, &c. all three of them came before me, and acknowledged themſelves ſeverally to owe to our Sovereign Lord the King and his Succeſſors ten pounds a piece, to be levied, &c. if I. S. fail in the Condition indorſed.

Another of the ſame.

Md. that I. S. of, &c. G. D. of, &c. and E. F. of, &c. the firſt day of *May*, &c. came before us, W. S. and L. S. two of the Juſtices of the peace within the County of G. And the ſaid I. S. did aſſume for himſelf in the ſum of twenty pound of lawful money of *England*, to our Sovereign Lord the King. And the ſaid C. D. and E. F. became bound for the ſaid I. S. or either of them in the ſum of ten pounds a piece of like lawful money, to his ſaid Maj. to be levied of their Lands and Tenements, Goods 4 *Glouc. ſſ.*

and Chattels, by way of Recognizance under the Condition following, *viz.*

Another of the same.

5 Glouc. ff. *Md.* (as in the former) which several sums of money, every of them hath acknowledged to owe to our Sovereign Lord the King, and his Successors, if the said I. S. shall make default in the condition following, *viz.*

Another of the same.

6 Glouc. ff. *Md.* That the first day of *May*, &c. at *Dale* in this County, I. S. of, &c. C. D. of, &c. and E. F. of, &c. came before us W. S. &c. two of the Justices, &c. and did undertake for L. M. of, &c. each of them under pain of twenty pound a piece of lawful English money. And the said L. M. did then and there assume for himself in pain of forty pound, of like lawful money, and all of them to our Sovereign Lord the King, and his Successors, to be levied of their Lands and Tenements, Goods and Chattels by way of Recognisance, to the use of his said Majesty, if the said L. M. shall fail in the condition hereafter following, *viz.*

If the party to be bound be within age, or a woman married, then he, or she must be bound by others after this manner (as in the last, leaving out the last clause.) And the said L. M. &c. And by these all other Recognizances may be made, for they are after one form, and the difference is in the Conditions, which do now follow.

It is best to make them in parchment, and

yet being in Paper, they are good enough in Law.

If the Condition be on the back of the parchment, or Paper, wherein the Recognizance is, as it muſt be to the firſt two Preſidents aboveſaid, that conclude (if he fail in the Condition indorſed,) Then it muſt be thus:

7 To preſer a Bill of Enditement.

The Condition of the Recogniſance within written, is ſuch; that if the within bounden I.S. ſhall at the next general Gaol-delivery to be holden in the County of *Glouc.* preſer, or cauſe to be preferred one Bill of Inditement againſt one A.B. late of G. in the ſaid County of *Glouc.* Labourer, now a Priſoner in the Caſtle of *Glouc.* for the felonious taking of twenty ſheep, of the goods of the ſaid I. S. (or for the felonious killing of T. S.) And ſhall alſo then and there give the beſt evidence he can concerning the ſame, alwel to the Grand Jury, that ſhall then make enquiry of the Felony, as alſo to them that ſhall paſs upon the Tryal of the ſaid A. B. and not depart without licenſe of the Court; That then the ſame Recogniſance ſhall be void.

Or thus: The Condition, &c. That if the ſaid I.S. ſhall perſonally appear at the next general Goal-delivery to be holden for the County of *Glouc.* before the Lords the Juſtices of Aſſize and Gaol-delivery, and ſhall then and there preſer, &c. (as in the laſt.)

8 To give in Evidence.

The Condition of the Recogniſance within-written is, That if the within-bounden I. S. do and ſhall perſonally appear at the next general Gaol-

delivery to be holden in the County of G. before the Judges there, or at the general Sessions of the peace to be held for the County of G. (as the case is) before the Justices of the peace there, and then, and there pursue and give the best evidence he can against one A. B. late of C. in the said County, Labourer, now a prisoner in the Castle for the felonious taking away of a mare of the goods of the said I. S. and not depart without license of the Court; that then, &c.

To prosecute a Bill or Information.

Or thus:

That if the within bounden I. S. shall personally appear before the Justices of the Peace of the County of *Glouc.* at the next quarter Sessions in the County aforesaid, to be holden, then and there to inform the Court, against one A. B. of, &c. now a prisoner in the Castle, and not depart without license of the Court. That then, &c.

To appear to answer a felony upon a bayl.

The condition of this Recognisance is such, that if the within bounden I. S. shall make his personal appearance before the Justices of the Peace of the County of *Glouc.* at the next general Sessions of the Peace to be holden in the same County, then and there to make answer to our Sovereign Lord the King, for and concerning the suspicion of stealing certain Corn. That then, &c.

(

Another

Another of the same, and to keep the Peace.

10. The Condition, &c. That if the within bounden I.S. shall personally appear before the Justices of the Gaol delivery, to be holden in the said County of *Glouc.* at the next Assizes, and Gaol-delivery there; (or before the Justices of the peace of the County of *Glouc.* at the next general Sessions of the Peace, to be held in the same County) to do and receive that which by the Court shall be then and there enjoyned him, and shall not depart thence without leave of the Court. And that in the mean time he be of good Behaviour, and do keep the Peace of our Sovereign Lord the King toward his Highness and all his people, &c. That then, &c.

Another to the same purpose.

11. The Condition, &c. That whereas the within bounden, I. S. hath now lately dangerously hurt one L. M. of, &c. so as the said L. M. is thereby in danger of death. If therefore the said L. M. shall make his personal appearance before the Justices of the Gaol delivery, at the next general Gaol-delivery, to be holden in the County of *Glouc.* then and there to make answer to the premisses, and to do, and receive that which then by the same Court shall be enjoyned him. That then, &c.

Another.

12. The Condition, &c. That if the within bounden I. S. shall personally appear, &c. then and there to make answer to such matters, as on the behalf of our Sovereign Lord the King, shall be objected against him by I. D. of, &c. concerning, &c. [then shew the matter briefly, and conclude as in the rest before.] That then, &c.

So in the Condition for the peace, good Behaviour, they may be made after the same manner, by changing only that which is to be changed.

But if the condition be annexed to the Recognisance, as it must be to the latter sort of Recognisances above-named, that conclude thus: under the condition following, *viz.* then must they run in this manner,

For the Peace.

13. That the said I. S. shall personally appear, at the next general Sessions of the Peace to be holden for the said County, and in the mean time that he shall keep the peace towards our Sovereign Lord the King, and all other the people of this Kingdom of *England*, and chiefly against L. M.

For the good Behaviour.

14. That the said I. S. shall personally, &c. (as in the last.) And in the mean time that he shall be of good Behaviour towards our Sovereign Lord the King, and all, &c. (as in the last.)

Where divers Recognisances are to be taken at once, some have used to put them all in one Roll of Parchment together, after this form.

15. *Md.* that at *Dale* in the County of *Glouc.* the first day of *May*, &c. I. S. victualler of, &c. came before me W. S. Esquire, &c. and did acknowledge that he did owe to our Sovereign Lord the King, and his Successors, by way of Recognisance twenty pound of lawful, &c. And G. H. of &c. and I. K. of, &c. did then also acknowledge to owe to his said Majesty, ten pound a piece of lawful English money, by way of Recognisance; to be levied of each of their, &c. under this condition following, *viz.* That the said I. S. being licensed to keep an Alehouse in the Town of *Dale* for one year now next following, shall not during the said term, suffer within his said house any play at unlawful games, but shall there use and maintain good order and rule. 15 *Glouc. ff.* For Alehouse-keepers.

And then write under this.

16. G. H. of I. *&c.* did then and there acknowledge to owe to our Sovereign Lord the King, ten pound, and N. O. of, &c. and P. Q. of, &c. did then & there acknowledg to owe unto his said Majesty, five pound a piece, in manner as aforesaid, and under the condition aforesaid. And so for the rest.

A

Ob-

Observations upon these warrants.

I cannot warrant the latter end of these Recognisances to be good, but am rather inclined to believe, they are all of them but the first, naught, And therefore doe advise the Justices of the Peace, and their Clerks, to make them at length, and to decline this form.

Another Form for the Peace or good Behaviour.

17. *Md.* That A. B. of C. D. &c. D. E. of F. &c. G. H. of I. &c. (such a time and place) came before me W. S. Esquire, &c. and became maincaptors, and undertook for T. O. of, &c. That he should keep the peace (or be of good Behaviour) towards our Sovereign Lord the King and his people, and especially towards I. D. every one of the maincaptors, under pain of ten pound a piece; and T. O. under pain of twenty pound, and that the said T. O. shall appear before the Justices of the peace, &c

CHAP. XXV.

Of a Mittimus.

What it is.

A Mittimus is an order of Commitment of the person of a man to prison by a Justice of peace to an inferior Officer, for the time the Law appointeth for some offence by him done. And as touching this in general, you may observe these things.

things. 1. In every Mittimus care must be had to set down these two things. First, the offence. Secondly, the true manner, and time of punishment.

2. That there is very little difference between a Mittimus, and a warrant of Commitment. This is to the Officer to take and carry a man to prison: and that to deliver him to the Gaoler, which doth imply a taking and carrying, both are to carry to Gaol: it may be easie therefore to change the form, and the one President may serve for a light by which to make the other.

3. The Title and form of one of these hereafter set down, may serve to direct all the rest.

4. By these forms hereafter set down any other may be easily drawn with very little alteration

5. If the Mittimus be for a felony, and the felon hath confessed it upon his examination, the Mittimus must say so, for then he is not baylable.

Di-

Divers Forms of Mittimus.

A Mittimus for Felony to the Gaol.

Glouc. ff. W. S. and I. S. Esquires, two of the Justices, &c. To the Keeper of the Gaol within the Castle of *Glouc.* or his deputy there being, we send you herewithal the bodies of A. B. and C. D. charged before us with the felonious using, and practising of witchcraft upon the body of a child of K. L. (or charged before us by T. C. of K. in the County of G. with robbing him on Friday last, and the taking of ten shillings from his person, which the said A. B. and C. D. upon their examination confessed.) Or thus: who stand charged before me upon the suspition of stealing six Oxen, being the goods of Sir I. E. Knight: or thus, who is charged before me with the suspition of a certain felony, by him committed as it is said, or otherwise as the case is, Commanding you to receive the same A. B. and C. D. into the said Gaole, and them there safely to keep, until they shall be from thence delivered by due order and course of Law. Hereof fail you not at your peril. Given under our hands and Seals at C. within the said County, the day, &c.

A Mittimus for a disturber of a Minister in the Service of God.

W. S. &c. To the Constable of S. I send you herewith I. S. of, &c. whom you are to take into your custodie, and safely to keep for six dayes, for that he hath maliciously disturbed W. S. of K. a Minister, in doing the Service of God. Or thus: For that he caused W. S. of K. a Minister, to be maliciously disturbed in doing the Service of God. Or thus: for that he hath rescued L. M. out of the hands of S. T. an officer, being by him apprehended for his malitious disturbance of W. S. of K. a Minister, in doing the service of God. *a Glouc. ff.*

W. S. and L. M. &c. To the Keeper of the Gaol, &c. We send you herewith I. S. of, &c. whom you are to take into your custody, and safely to keep in your said Gaol for three moneths, and till the next quarter Sessions, for that it hath been proved before us by the Oaths of two witnesse.s Or thus (by his own confession) if the case be so: that he hath malitiously disturbed W. S. of K. Minister, in doing the service of God. And hereof, &c.

Observations upon this Warrant.

It is good to be well advised upon this Commitment, for some think the Statute upon which it is grounded, is determined.

A Mittimus for the good Behaviour.

3 Glouc. ſſ. W.S. &c. Whereas C.D. hath been, for matter of misbehaviour proved before me, by me required to find ſureties for his good Behaviour, which he hath refuſed to do. Theſe are to require you that preſently upon ſight hereof you receive him the ſaid C. D. herewith ſent, into your cuſtody, and him to keep, and not deliver till he ſhall find ſufficient ſurety for his good behaviour, and appearance at the next general Seſſions to be holden for the ſaid County. And hereof, &c.

So for the Peace, changing that which is to be changed, after this manner.

4 Glouc. ß. Whereas C.D. hath been for good cauſe by me required to find ſureties for the peace, which he hath refuſed to do. Theſe are, &c. (as in the laſt) till he ſhall find ſureties for the keeping of the peace, and his appearance, &c.

A Mittimus for the reputed father of a baſtard-child.

5 Glouc. ſſ. W.C. &c. I ſend you herewithal the body of I. S. of B. in the ſaid County, Labourer, brought before me this day, and charged by F.C. of the ſame Town, to have gotten her with childe, and for that the ſaid I.S. refuſeth to put in ſecurity for his appearance at the next Quarter Seſſions, and to the end he may be forth coming, when as order ſhall be

be taken for the relief and discharging of the said Town of G. and for the keeping of the said child, when it shall happen to be born, according to the Statute in that case provided. These are to require that you do immediately receive the said I. S. and him safely to keep in your Gaol, until such time as he shall be from thence delivered by due course of Law. Dated, &c.

A Mittimus for selling Ale, contrary to Command.

W. C. and C. D. &c. Whereas I. S. of, &c. a common Ale-house-keeper, upon complaint lately made to us, of the evil rule kept and suffered by him in his house, was by warrant under both our hands and Seals discharged of his Ale-house keeping, and forbidden to sell any more Ale or Beer. And we are credibly informed, that the said I. S. doth notwithstanding obstinately, and of his own authority keep a common Ale-house, and commonly sell Ale and Beer. We do therefore herewithal send you the body of the said I. S. commanding you to receive him into your said Gaol, and there safely to keep him for three dayes without bayl or mainprise, and afterwards, until he shall with two sureties enter into Recognisance, that he shall not keep any common Ale-house, or use common selling of Ale, or Beer, and pay his fine of twenty shillings, according to the Statute in that case provided. And hereof, &c. *6 Glouc. ff.*

An Observation on this Mittimus.

It is good to advise well upon this commitment, whether upon a bare complaint, or information that a man doth sell after he is discharged, he may be committed, and whether there must not be before this a legal Conviction of him for the crime.

A Mittimus of an Overseer that refuseth to account.

7 Glouc. ss. W. S. and L. M. Esquires, two of the Justices, &c. To the Keeper of the Goal within the Castle of *Glouc.* We send you herewith I. S. and W. B. the late Overseers of the poor of the parish of *Dale*, for that they being called before us, to give in a true account of the moneys by them received, and laid out in the time of execution of their said Office, they did in our presence wilfully refuse so to do: we require you therefore them safely to keep without bayl or mainprise, until they shall make a true accompt thereof, and satisfie and pay to the present Churchwardens and Overseers of the poor of the same parish, so much as shall thereby appear to be remaining in their hands. And hereof fail you not, *&c.*

An Obſervation upon this Mittimus.

This Commitment ſeemeth to me warrantable, becauſe the offence is in the preſence of the the Juſtices, and there need no conviction of it. But if he refuſe to appear before the Juſtices, it may be doubtful.

A Mittimus of a dangerous Rogue to the Bridewel.

W. S. and L. M. &c. To the Maſter or Governour of the houſe of Correction, or his deputy there. Whereas I. S. a ſturdy vagrant Begger was this day brought before the Conſtable of *Dale*, and charged as well with begging and idle wandring abroad, as alſo with other diſorderly Behaviour, ſo as he appeareth to us, to be dangerous to the inferior ſort of people, contrary to the Laws in that caſe provided. Theſe are therefore to require you to receive the ſaid I. S. into your cuſtody, and him ſafely to keep in your Houſe of Correction, until the next Quarter Seſſions, to be holden for this County. And that during all the time he ſhall continue with you, and be in his good health, you doe hold him to work, and puniſh him by putting fetters, and gyves upon him, and by moderate whipping of him. And that you give him no more for his maintenance, 8 *Glouc. ſſ.*

nance, then what he ſhall deſerve or earn by his labour. And that you have the ſaid I. S. and this precept at the ſaid next Quarter Seſſions.

A Mittimus of a vagrant or diſorderly Perſon.

9 *Glouc. ſſ.* W. S. &c. We have ſent you herewithal the body of E. C. of G. in this County, being an idle diſſolute and diſorderly perſon, and one that liveth idly, and wandreth begging about the Countrey, and brought before us by the Conſtable of *Dale*, whom you are hereby required to receive, and him to keep in your Bridewel to work, until he ſhall be from thence duly delivered by order and courſe of Law, and in the mean time you are to keep him to work, and ſee to it, that he have no more for his maintenance, then what he can get by his work. And hereof, &c.

A Mittimus for one that runneth away, and leaveth her charge to the Town.

10 *Glouc. ſſ.* W. S. &c. We have ſent you herewithal the body of T. L. of W. in the ſaid County, ſingle woman being lately delivered of a Child, and one that is able to labour, and thereby to relieve her ſelf, and her ſaid child, and hath notwithſtanding lately run away, and left her Child upon the Pariſh, to the charge of the ſame pariſh, contrary to the Statute in that behalf provided. Theſe are therefore to require you, to receive her, &c. (as in the laſt.)

W. S.

W. S. &c. We ſend you herewith the body of I. S. of, &c. for that ſhe being a poor woman, able to work, and having a great charge of Children, and like to charge the pariſh, ſhe doth threaten to run away from her charge, and leave it to the pariſh. Theſe are therefore, &c. (as in the laſt.) 11 *Glouc. ſſ.*

A Mittimus of the Mother of a Baſtard Child.

W. S. We ſend you herewithal the body of I. C. of W. in the ſaid County, ſingle woman, lately delivered of a baſtard Child, likely to be chargeable to the Pariſh of W. aforeſaid; and for that the ſaid I. C. is able to labour, and that thereby ſhe may the better relieve her ſelf, and her ſaid child; Theſe are to require you, to receive the ſaid I. C. in your Bridewel, there to be puniſhed and ſet on work, during the term of one whole year, according to the Statute in that behalf provided. 12 *Glouc. ſſ.*

Obſervations upon theſe three laſt Preſidents.

Theſe three laſt Mittimus being grounded upon 7 *Jac.* 4. It is good to adviſe upon them, for the Statute doth not preſcribe any way of Conviction, unleſs it come under the general words of 39 *El.* 4. That theſe be taken for idle and diſorderly perſons, for then being proved before, by two witneſſes before two Juſtices, one of them being of the *Quorum*; this is a Conviction of Law.

For a Mittimus or a Forcible Entry, See it in Chap. 6.

CHAP. XXVI.

A Superſedeas.

The Form of Superſedeas.

1 *Glouc. ſſ.* W. S. To the Sheriff, Bayliffs, Conſtables, and others, the Officers and Miniſters of our Sovereign Lord the King, for the keeping of the Peace within the County of *Glouc.* and every of them. Foraſmuch as A. B. of. &c. hath perſonally come before me at *Dale* in this County, and hath found ſufficient ſureties, that is, C. D. of, &c. and E. T. of, &c. either of which hath undertaken for the ſaid A. B. under pain of ten pound a piece, and he the ſaid A. B. hath undertaken

taken for himſelf, under pain of twenty pound, that he the ſaid A. B. ſhall well and truly keep the peace towards our Sovereign Lord the King and all his people, eſpecially towards G. F. of, &c. yeoman, and alſo that he ſhall perſonally appear before the Juſtices of the Peace of the ſaid County, at the next general Seſſions of the peace, to be held for the ſame County. Therefore I command you, and every of you, that you utterly forbear, and ſurceaſe to arreſt, take, impriſon, or otherwiſe by any means for the ſaid cauſe, to moleſt the ſaid A. B. And if you have for the ſaid cauſe, and none other taken or impriſoned him, that then you do cauſe him to be delivered, and ſet at liberty without further delay. Given at *Dale* aforeſaid, under my hand and Seal, &c.

Another for the ſame.

W. S. Eſquire, &c. To the Sheriff of the County of *Glouc.* &c. and to all Conſtables, &c. Foraſmuch as I. S. of, &c. hath come before me, and found ſufficient ſurety, that he ſhall keep the peace towards our Sovereign Lord the King, and all his people, eſpecially towards I. K. of D. aforeſaid, and that he ſhall perſonally appear before the Juſtices of the peace of the ſaid County, at the next general Seſſions of the peace, to be holden for the ſaid County. Therefore I require and command you, and every of you, that you doe altogether forbear and ſurceaſe to attach, arreſt, or impriſon him the ſaid I. S. or otherwiſe to moleſt him by any means for the ſaid cauſe. And if you have upon any precept for the peace, and for that cauſe and none other already taken

2 *Glouc.* 1 For the Peace.

and imprisoned him, that then you do cause him to be delivered, and set at liberty without further delay. And this shall be your warrant. Given, &c.

For a felony. There may be a Supersedeas in case of Felony, where the prisoner is bayled, thus; Because A. B. of, &c. hath come before us, &c. and put in sufficient bayl to be before, &c. to answer the Felony wherewith he is charged, &c.

Or thus:

3 *Glouc. ff.* W. S. &c. To, &c. Forasmuch, &c. I do therefore require you, that from compelling and imprisoning the said A. and his wife, or either of them any security for the peace towards our Sovereign Lord the King, and all the people of this Kingdom, before you or any of you again to find, you do supersede, or cause to be superseded. And if; &c. That then you do immediately them out of such prison, in which they, or either of them are detained, deliver, or cause to be delivered, &c.

Observations upon these Warrants.

This last Supersedeas is good, though it name neither the sureties, nor the sums wherein they are bound; but it is held the better Form to express both.

W. S.

W. S. *&c.* To the Sheriff, &c. Know ye that *I* have received a Writ of our Sovereign Lord the King, theſe words: *Charles*, &c. (reciting all the Writ word for word.) Foraſmuch as C. D. of, &c. and E. F. of, *&c.* and the ſaid A. B. (being the Infant againſt whom the writ of *Supplicavit* was granted) have perſonally appeared before me the ſaid W. S. and the ſaid C. D. and E. F. have undertaken for the ſaid A. B. who is within the age of 21 years, (to wit) either of the ſaid manucaptors in twenty pound a piece, which each of them have acknowledged to owe to our Sovereign Lord the King, by way of Recogniſance, to be levied on their Lands and Tenements, Goods, and Chattels, to the uſe of his ſaid Majeſty, (to wit) that the ſaid A. B. no damage or ill ſhall do, or procure to be done to any of the people of this Common weal in their bodies, or burning of their houſes, and eſpecially to T. R. Therefore I require you and every of you, to forbear, &c. (as in the reſt.)

4 *Glouc. ſt.* Upon a Supplicavit againſt an infant.

This may alſo be to ſtay proceedings of arreſt, or impriſonment againſt a man upon good Behaviour, or upon a *Capias*, upon an Inditement for Treſpaſs, or the like, thus:

Glouc. ff. W.S. To, &c. Forasmuch as I.S. of, &c. came before me this first day of, &c. at *Dale* in this County, and hath found sufficient manucaptors, to be at the next general Sessions of the Peace, to be held in this County, before the Justices of the peace there, to answer to our Sovereign Lord the King, of certain trespasses, contempts, and offences, whereof he is indicted. Therefore I command you, *&c.* (as in the rest.)

CHAP. XXVII.

Of a Liberate.

Glouc. ff. W. S. *&c.* To the Keeper of the Gaol in the Castle of G. Forasmuch as *I.* S: of, &c. hath before us found sufficient mainprise to appear before the Justices of the Gaol delivery, at the next general Gaol-delivery to be holden in the said County, there to answer the things that shall be objected against him, touching the felonious stealing of two sheep, for the suspition where he was committed to your Gaol. These are to require you, in case he be there detained in prison, for this and no other cause, that you forthwith deliver him and let him go at large. Given under our hands, &c.

W.S.

W. S. &c. To the Keeper, &c. I. S. being by me committed to your custody in your Gaol, till he put in sureties for the peace or good Behaviour (as the case is.) These are (as in the last.) 2 *Glouc. ff.*

Observations on this.

If one Justice of his own head commit a man to Gaol, or Bridewel, he may again deliver him, and he need not shew the cause: or if it be for the Peace or good Behaviour, to tell the Keeper that he hath taken sureties: we think it safe for a keeper to have this from a Justice, always when he delivers his prisoner. By these and other Liberates may be made.

Of a Release.

I have seen a Release of the Peace by a Justice of Peace that took it, and Presidents of Releases of the Peace and good Behaviour: But I understand not of what use they are, for the Parish must appear: only the Release of the Peace, &c. is an evidence that the prosecutor is not afraid of him, and therefore the Court will not probably continue him bound.

CHAP. XXVIII.

Of a Licenſe and Teſtimonial.

2 *Glouc. ß.* To ſell Ale. W. S. and I. S. Two of the Juſtices, &c. Know all men by theſe preſents, that we do hereby Licenſe I. M. of, &c. to keep a Common Alehouſe in L. aforeſaid, in the houſe there, where he now dwelleth, for one whole year next enſuing the date hereof, ſo that he do not during that time, ſuffer any unlawful Games to be uſed, nor any evil rule, or diſorder to be done in the ſame houſe. Dated, &c.

So to brew and ſell Beer, and keep a common Alehouſe, &c.

2 To Travel upon the Lords day. W. S. &c. To all, &c. I. S. of, &c. where he now liveth, having informed me that he hath a father living at D. in the County of S. where he lieth now very ſick, and he hath a deſire to viſit him. Now know ye that for this cauſe I do hereby licenſe him to travel upon the next Lords day, the direct way to him; willing and requiring you not to moleſt him for the ſame, ſo he behave himſelf orderly in his travel. Dated, &c.

I. S.

I. S. A ſturdy vagrant Beggar, of low perſonage, red haired, *&c.* and about twenty years, was this firſt of May 1654. openly whipped at W. in the ſaid County, according to the Law for a wandring Rogue, and is aſſigned to paſs forthwith from pariſh to pariſh, by the Officers thereof the next ſtraightway to P. in the County of W. Where (as he confeſſeth) he was born (or dwelled laſt for one whole year, if the caſe be ſo) and he is limited to be at P. aforeſaid, within ten dayes now next enſuing at his peril. Given at W. under the hands and Seals of W. S. Eſquire of, &c. and I. D. the Conſtable of W. aforeſaid.

3 *Glouc. ſſ.*

Deſcribe him.

To convey a Rogue.

W. S. &c. one, &c. To all Conſtables, Tythingmen, &c. Foraſmuch as I am credibly informed that I. S. the bearer hereof, of low perſonage, &c. hath been at Sea, and there the firſt day of May laſt ſuffered ſhip-wrack, and hath not wherewith to relieve himſelf in his travel to his place of birth (or laſt dwelling.) Theſe are to deſire you to ſuffer him to paſs the next way to the ſaid place, where he is limited to be within forty days next after the date hereof, and not to trouble, but rather to relieve him. The like may be for a poor Soldier.

4 *Glouc. ſſ.* For one that hath ſuffered ſhip-wrack, &c. Soldier, &c.

W. S.

Glouc. ss. W. S. and I. S. two of the Justices, &c. To all, &c. The bearer hereof, I. S. of, &c. having [shew the cause of his travel] desired our testimonial, or license for his safe travel to the City of B. (shew whether he is to go) wherefore we (as much as in us is) do license him to travel the direct way, from H. in the County of *G.* to the said City, so as his journey be not continued longer then twenty days next after the date hereof, and pray you to suffer him to pass in peace, so as he demein himself orderly.

To travel.

And by these a Testimonial may be made for other things, as for a Labourer in Harvest-time, to go into another Country to work, or a Servant departing at the end of his year.

CHAP. XXIX.

Of a Certificate.

Or a Record or a Certiorare.

IT may be done on the back of the Writ thus: I W. S. *&c.* one of the Justices of the Peace of our Sovereign Lord the King in the County of *Glouc.* the tenor of the security of the peace of which there is mention in this Writ, or (whereof there is mention herein) to the said Lord the King into his Chancery under my Seal distinctly and openly, do send, as appeareth in the Schedule to this Writ annexed. Then write the Recognisance *Verbatim. Md.* that the first day of May, &c. came before me, &c. In witness whereof I the said W. S. have put to my Seal. Dated, &c. And let him set his Seal, and then file all this to the back of the Certiorare.

Writ

Write on the back of the *Supplicavit* thus:

The execution of this Writ appeareth in the Schedule to the Writ annexed. And put his name to it.

3. A Binding by Supplicavit.

Then the Schedule may be thus: and filed to the back of the Writ. I W. S. *&c.* certifie in the Chancery of our Sovereign Lord the King, that by vertue of this Writ (to me first delivered by A. B. in the Writ named) caused to come before me the first day of May, 1654. T. R. in the same Writ named, and have compelled him to find sufficient security and manucaptors, according to the form of the said Writ (as the Writ doth appoint.) In witness whereof I have put my Seal to this present Certificate. Dated at C. aforesaid, in the County aforesaid, the said first day of May. And herewith the Justice may if he will send the Recognisance, or he may keep it till it be sent for by *Certiorare.*

For

For Swearing.

For swearing. I W.S. Esquire, one of the Justices, &c. do certifie to the Clerk of the Peace for the County of *Glouc.* that the persons whose names are hereunto subscribed, were since the last Quarter Session convicted before me for swearing one profane Oath a piece. Given under my hand and Seal, this *&c.*

By these Forms you may the better see how to make other Certificates.

The Certificate of a Riot. See Dalt. Just. of P. Ch. 130.

FINIS.